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G. S. Gauri
Patel
THE

JAIPUR PENAL CODE.

1935

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LUCKNOW

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THE Jaipur Penal Code.

CHAPTER I.

Introduction.

Whereas it is expedient to consolidate and amend the law relating to crimes in Jaipur territory ; it is enacted as follows :—

1. (1) This Act shall be called the Jaipur Penal Code and shall take effect throughout the whole of Jaipur territory save the local area, criminal jurisdiction over which has been

“Short title, extent
and commence-
ment”

ceded by the Jaipur Darbar to the Government of India.

(2) It shall come into force on the 15th November, 1924

2. Except as provided under any treaty between the Jaipur Darbar and the Government of India or any agreement between the said Darbar and any Railway Company, every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within the said territory.

3 The provisions of this Code apply also to any offence committed by any subject of the Jaipur Darbar outside Jaipur territory.

Extension of Code
to extra territorial
offences

In this section the word "offence" includes every act committed outside Jaipur territory which, if committed in Jaipur territory, would be punishable under this Code

Explanation

Illustrations.

(a) A, a coolie, who is a Jaipur subject, commits a murder in British India. He can be tried and convicted of murder in any place in Jaipur territory in which he may be found

(b) B, a Jaipur subject living in Indore, instigates C to commit a murder in Bombay. B is guilty of abetting murder

CHAPTER II.

General Explanations.

4 Throughout this Code every definition of an offence, every penal provision and every illustration of every such definition or penal provision shall be understood subject to the exceptions contained in the chapter entitled "General Exceptions," though these exceptions are not repeated in such definition, penal provision or illustration.

Definitions in the Code to be understood subject to exceptions

Illustrations.

(a) The sections in this Code, which contain definitions of offences, do not express that a child under seven years of age cannot commit such offences, but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age

(b) A, a Police Officer, without warrant, apprehends Z who has committed murder. Here A is not guilty

of the offence of wrongful confinement; for he was bound by law to apprehend Z, and therefore the case falls within the general exception which provides that "nothing is an offence which is done by a person who is bound by law to do it."

5. Every expression which is explained in any part of this Code, is used in every part of this Code in conformity with the explanation.

6. The pronoun "he" and its derivatives are used of any person, whether male or female.

7. Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

8. The word "man" denotes a male human being of any age; the word "woman" denotes a female human being of any age.

9. The word "person" includes any Company or Association or body of persons, whether incorporated or not.

10. The word "public" includes any class of the public or any community.

11. The "Durbar" means the Executive Government of the Jaipur State as constituted at the time.

12. The word "Judge" denotes not only every person who is officially designated as a Judge, but also every person,

who is empowered by law to give, in any legal proceeding, civil or criminal a definitive judgment, or a

judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or

who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

Illustrations

(a) A Magistrate, exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment with or without appeal, is a Judge

(b) A Magistrate, exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another Court, is not a Judge

13 The words "Court of Justice" denote a Judge "Court of Justice" who is empowered by law to act judicially alone, or a body of judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

14 The words "public servant" denote a person "Public servant" falling under any of the descriptions hereinafter following, namely:—

First —Every commissioned officer in the State Army, while serving under the Durbar,

Secondly —Every Judge,

Thirdly —Every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties ;

Fourthly:—Every member of a Panchaynt assisting a Court of Justice or public servant,

Fifthly:—Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority,

Sixthly:—Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement.

Seventhly:—Every officer of Darbar whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

Eighthly:—Every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of Darbar, or to make any survey, assessment or contract on behalf of Darbar, or to execute any revenue-process, or to investigate, or to report on any matter affecting the pecuniary interests of Darbar, or to make, authenticate or keep any document relating to the pecuniary interests of Darbar, or to prevent the infraction of any law for the protection of the pecuniary interests of Darbar, and every officer in the service or pay of Darbar or remunerated by fees or commission for the performance of any public duty;

Ninthly:—Every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or assessment, or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any

document for the ascertaining of the rights of the people of any village, town or district.

Illustration

A Municipal Commissioner is a public servant.

Explanation I.—Persons falling under any of the above descriptions are public servants, whether appointed by the Durbar or not.

Explanation II.—Wherever the words “public servant” occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

15 The words “movable property” are intended to include corporeal property of every description except land and things attached to the earth or permanently fastened to any thing which is attached to the earth.

16. “Wrongful gain” is gain by unlawful means of property to which the person gaining is not legally entitled.

“Wrongful loss” is the loss by unlawful means of property to which the person losing it is legally entitled.

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

17. Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing "dishonestly."

18. A person is said to do a thing fraudulently if he does that thing with intent to defraud, but not otherwise.

19. A person is said to have "reason to believe" a thing if he has sufficient cause to believe that thing, but not otherwise.

20. When property is in the possession of a person's wife, clerk or servant, on account of that person, it is in that person's possession within the meaning of this Code

Explanation—A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this section

21. A person is said to "counterfeit" who causes one thing to resemble another thing, intending by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.

Explanation I.—It is not essential to counterfeiting that the imitation should be exact.

Explanation II—When a person causes one thing to resemble another thing and the resemblance is such that a person might be deceived thereby, it shall be presumed, until the contrary is proved, that the

person so causing the one thing to resemble the other thing intended by means of that resemblance to practise deception or knew it to be likely that deception would thereby be practised

22 The word "document" denotes any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of these means, intended to be used, or which may be used, as evidence of that matter

Explanation I—It is immaterial by what means or upon what substance the letters, figures or marks are formed, or whether the evidence is intended for, or may be used in, a Court of Justice, or not

Illustrations

A writing expressing the terms of a contract, which may be used as evidence of the contract, is a document

A cheque upon a banker is a document.

A power of attorney is a document

A map or plan which is intended to be used or which may be used as evidence is a document

A writing containing directions or instructions is a document.

Explanation II.—Whatever is expressed by means of letters, figures or marks as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed

Illustration

A writes his name on the back of a bill of exchange payable to his order. The meaning of the endorsement,

as explained by mercantile usage, is that the bill is to be paid to the holder. The endorsement is a document, and must be construed in the same manner as if the words, "pay to the holder," or words to that effect, had been written over the signature

23. The words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

Illustration.

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a "valuable security"

24. The words "a will" denote any testamentary will document.

25 In every part of this Code, except where a Words referring contrary intention appears from the to acts include illegal omissions context, words which refer to acts done extend also to illegal omissions

26 The word "act" denotes as well a series of acts as a single act; the word "omission" "Act", "Omission" denotes as well a series of omissions as a single omission.

27. When a criminal act is done by several persons, in furtherance of the common Acts done by several persons in furtherance of common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone

28. Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention

29 Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence

Illustration

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z A has committed murder

30 When an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence

Illustrations

(a) A and B agree to murder Z by severally and at different times giving him small doses of poison A and B administer the poison according to the agreement with intent to murder Z Z dies from the effects of the several doses of poison so administered to him Here A and B intentionally co-operate in the commission of murder, and as each of them does an act by which the

death is caused, they are both guilty of the offence though their acts are separate.

(b) A and B are joint jailors, and as such, have the charge of Z, a prisoner, alternately for six hours at a time. A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

(c) A, a jailor has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food: in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation with A illegally omits to supply Z with food knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder; but as A did not co-operate with B, A is guilty only of an attempt to commit murder.

31. Where several persons are engaged or
Persons concerned in criminal act
may be guilty of
different offences concerned in the commission of a
criminal act, they may be guilty of
different offences by means of that act.

Illustration.

A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide not amounting to murder. B having ill-will towards Z and intending to kill him, and not having been subject to the provocation, assists A in killing Z. Here though A and B are both engaged in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

32. A person is said to cause an effect "voluntarily"
Voluntarily when he causes it by means whereby he
intended to cause it, or by means which,

at the time of employing those means, he knew or had reason to believe to be likely to cause it

Illustration.

A sets fire by night, to an inhabited house in a large town, for the purpose of facilitating robbery, and thus causes the death of a person. Here, A may not have intended to cause death, and may even be sorry that death has been caused by his act, yet, if he knew that he was likely to cause death, he has caused death voluntarily

33 Except in the chapter and sections mentioned in clauses 2 and 3 of this section, the word "offence" denotes a thing made punishable by this Code

In Chapter IV, Chapter V-A and in the following sections, namely, sections 52, 53, 54, 55, 59, 98, 99, 101, 103, 104, 105, 106, 176, 183, 184, 192, 200, 202, 203, 212, 213, 214, 215, 216, 316, 317, 318, 319, 320, 336, 337, 377, 378, and 430 the word "offence" denotes a thing punishable under this Code, or under any special or local law as hereinafter defined

And in sections 130, 165, 166, 190, 191, 201, 205, and 426, the word "offence" has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine

34. A "special law" is a law applicable to a "special law" particular subject

35. A "local law" is a law applicable only to a "local law" particular part of Jaipur territory

36. The word "illegal" is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action : and a person is said to be "legally bound to do" whatever it is illegal in him to omit.
37. The word "injury" denotes any harm whatever illegally caused to any person, in body, mind, reputation, or property.
38. The word "life" denotes the life of a human being, unless the contrary appears from the context.
39. The word "death" denotes the death of a human being, unless the contrary appears from the context.
40. The word "animal" denotes any living creature, other than a human being.
41. The word "vessel" denotes anything made for the conveyance by water of human beings or of property.
42. Wherever the word "year" or the word "year", "month" "month" is used, it is to be understood that the year or the month is to be reckoned according to the British calendar.
43. The word "section" denotes one of those portions of a chapter of this Code which are distinguished by prefixed numeral figures.
44. The word "oath" includes a solemn affirmation substituted by law for an oath, and any declaration required or authorized by

law to be made before a public servant or to be used for the purpose of proof, whether in a Court of Justice or not.

45 Nothing is said to be done or believed in good "Good faith." faith, which is done or believed without due care and attention .

CHAPTER III.

Of Punishments.

46 The punishments to which offenders are liable "Punishments" under the provisions of this Code are,—

First —Death,

Secondly—Imprisonment, which is of two descriptions, namely —

(1) Rigorous, that is, with hard labour;

(2) Simple,

Thirdly—Forfeiture of property;

Fourthly—Fine.

47. In every case in which sentence of death shall have been passed, the Darbar may, without the consent of the offender, commute the punishment for any other punishment provided by this Code.

48 In every case in which sentence of imprisonment for life shall have been passed, the Darbar may, without the consent of the offender, commute the punishment for imprisonment of either description for a term not exceeding fourteen years

49. In calculating fractions of terms of punishment, imprisonment for life shall be reckoned as equivalent to imprisonment for twenty years.

50. In every case in which an offender is punishable with imprisonment which may be of either description, it shall be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

51. Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive.

52. In every case of an offence punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

and in every case of an offence punishable with imprisonment or fine, or with fine only, in which the offender is sentenced to a fine,

it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which

he may have been sentenced or to which he may be liable under a commutation of a sentence.

53 The term for which the Court directs the offender to be imprisoned in default of payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence if the offence be punishable with imprisonment as well as fine

54 The imprisonment which the Court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence

55 If the offence be punishable with fine only, the imprisonment which the Court imposes in default of payment of the fine shall be simple and the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any term not exceeding two months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four months when the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case.

56 The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law

57. If, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

Illustration.

A is sentenced to a fine of one hundred rupees and to four months' imprisonment in default of payment. Here, if seventy-five rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seventy-five rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If fifty rupees of the fine be paid or levied before the expiration of two months of the imprisonment, A will be discharged as soon as the two months are completed. If fifty rupees be paid or levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

58. The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period, and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.

✓ 59 Where anything which is an offence is made up

Limit of punish- of parts any of which parts is itself an
ment of offence, the offender shall not be punish-
made up of several offences ed with the punishment of more than one
of such offences, until it be so expressly provided

Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or

where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined, a different offence

the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences

Illustrations

(a) A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating.

(b) But if, while A is beating Z, Y interferes, and A intentionally strikes Y, here, as the blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

60. In all cases in which judgment is given that a

Punishment of person guilty of one of several offences, the judgment stating that it is doubtful of which

person is guilty of one of several specified in the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for

the offence for which the lowest punishment is provided, if the same punishment is not provided for all.

61. Whenever any person is convicted of an offence for which under this Code the Court has power to sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale, that is to say—

a time not exceeding one month if the term of imprisonment shall not exceed six months,

a time not exceeding two months if the term of imprisonment shall exceed six months and shall not exceed one year;

a time not exceeding three months if the term of imprisonment shall exceed one year.

62. In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods, and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded with intervals between the periods of solitary confinement of not less duration than such periods.

63. Whoever, having been convicted by a Court in Jaipur territory of an offence punishable under Chapter XII or Chapter XVII of this Code with imprisonment of either description for a term of three years or

Enhanced punishment for certain offences under Chapter XII or Chapter XVII after previous conviction

upwards, shall be guilty of any offence punishable under either of those Chapters with like imprisonment for the like term, shall be subject for every such subsequent offence to imprisonment of either description for a term which may extend to fourteen years

CHAPTER IV.

General Exceptions.

64. Nothing is an offence which is done by a person who is, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be, bound by law to do it

Act done by a person bound or by mistake of fact believing himself bound by law

Illustrations

(a) A, a soldier, fires on a mob by the order of his superior officer in conformity with the commands of the law. A has committed no offence.

(b) A, an officer of a Court of Justice, being ordered by that Court to arrest Y and, after due enquiry, believing Z to be Y, arrests Z. A has committed no offence.

65. Nothing is an offence which is done by a Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

Act of Judge when acting judicially

66. Nothing which is done in pursuance of, or which is warranted by the judgment or order of a Court of Justice, if done whilst such judgment or order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided

Act done pursuant to the judgment or order of Court

the person doing the act in good faith believes that the Court had such jurisdiction.

67. Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith, believes himself to be justified by law, in doing it

Illustration.

A sees Z commit what appears to A to be a murder, A, in the exercise, to the best of his judgment, exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the act, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence

68. Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution

Illustration.

A is at a work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable and not an offence

69. Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Explanation—It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustration

A, in a great fire, pulls down houses in order to prevent the conflagration from spreading. He does this with the intention in good faith of saving human life or property. Here if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

70 Nothing is an offence which is done by a child

Act of a child under seven years of age
under seven years of age

71 Nothing is an offence which is done by a child

Act of a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequence of his conduct on that occasion

72 Nothing is an offence which is done by a person

Act of a person of unsound mind who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

73 Nothing is an offence which is done by a

Act of a person incapable of judgment by reason of intoxication caused against his will person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law: provided that the thing

which intoxicated him was administered to him without his knowledge or against his will.

74. In cases where an act done is not an offence unless
 done with a particular knowledge or intent,
 a person who does the act in a state of in-
 intoxication shall be liable to be dealt with as
 if he had the same knowledge as he would
 have had if he had not been intoxicated,
 unless the thing which intoxicated him was administered
 to him without his knowledge or against his will.

75. Nothing which is not intended to cause death
 or grievous hurt, and which is not
 known by the doer to be likely to cause
 death or grievous hurt, is an offence by
 reason of any harm which it may cause,
 or be intended by the doer to cause, to
 any person, above eighteen years of age, who has given
 consent, whether express or implied, to suffer that harm,
 or by reason of any harm which it may be known by
 the doer to be likely to cause to any such person who
 has consented to take the risk of that harm

Illustration.

A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play, and if A, while playing fairly, hurts Z, A commits no offence.

76. Nothing, which is not intended to cause death, is
 an offence by reason of any harm which
 it may cause, or be intended by the doer
 to cause, or be known by the doer to be
 likely to cause, to any person for whose
 benefit,

benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm

Illustration

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under a painful complaint, but not intending to cause Z's death and intending, in good faith, Z's benefit, performs that operation on Z, with Z's consent. A has committed no offence.

77 Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause, to that person

Act done in good faith for benefit of child or insane person, or by consent of guardian

PROVIDES

Provided—

First—That this exception shall not extend to the intentional causing of death, or to the attempting to cause death ;

Secondly—That this exception shall not extend to the doing of any thing which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity ,

Thirdly—That this exception shall not extend to the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the

purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;

Fourthly—That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustration

A in good faith, for his child's benefit, without his child's consent, has his child cut for the stone by a surgeon, knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, in as much as his object was the cure of the child.

78. A consent is not such a consent as is intended by any section of this Code, if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception, or

if the consent is given by a person who, from unsoundness of mind or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or

unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

79. The exceptions in sections 75 and 76 and 77 do not extend to acts which are offences independently of any harm which they may cause or be intended to cause or be known to be likely to cause, to the

Consent known to be given under fear or misconception

Consent of insane person

Consent of child

Exclusion of acts which are offences independently of harm caused

person giving the consent, or on whose behalf the consent is given.

Illustration.

Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is an offence independently of any harm which it may cause or be intended to cause to the woman. Therefore, it is not an offence "by reason of such harm," and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

80 Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person's consent if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit.

Act done in good faith for benefit of a person without consent

PROVISES Provided—

First—That this exception shall not extend to the intentional causing of death or the attempting to cause death,

Secondly—That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death, or grievous hurt or the curing of any grievous disease or infirmity;

Thirdly—That this exception shall not extend to the voluntary causing of hurt, or to the attempting to cause

hurt, for any purpose other than the preventing of death or hurt

Fourthly—That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations

(a) Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.

(b) Z is carried off by a tiger. A fires at the tiger, knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's ball gives Z a mortal wound. A has committed no offence.

(c) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is not time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(d) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A drops the child from the house top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

Explanation—Mere pecuniary benefit is not benefit within the meaning of sections 76, 77 and 80.

81. No communication made in good faith is an offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

Communication
made in good
faith

Illustration.

A a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. A has committed no offence though he knew it to be likely that the communication might cause the patient's death.

82. Except murder, and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence. Provided the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death place himself in the situation by which he became subject to such constraint.

Explanation I—A person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do anything that is an offence by law.

Explanation II—A person seized by a gang of dacoits and forced by threat of instant death to do a thing which is an offence by law, for example, a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it, is entitled to the benefit of this exception.

83. Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person

Act causing slight harm

of ordinary sense and temper would complain of such harm

Of the Right of Private Defence

84 Nothing is an offence which is done in the
Things done in exercise of the right of private defence

85 Every person has a right, subject to the
Right of private defence of the body and of property restrictions contained in section 87, to

First—His own body and the body of any other person, against any offence affecting the human body,

Secondly—The property, whether moveable or immoveable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass

86. When an act, which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind, or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Illustrations

(a) Z, under the influence of madness, attempts to kill A, Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a house-breaker, attacks A. Here Z, by attacking A under this mis-conception, commits no offence. But A has the same right of private defence against Z, which he would have if Z were not acting under that misconception.

87. There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.

There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law.

There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

Explanation I.—A person is not deprived of the right of private defence against an act done, or attempted to be done by a public servant, as such, unless he knows, or has reason to believe, that the person doing the act is such public servant.

Explanation II—A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction, or unless such person states the authority under which he acts, or, if he has authority in writing, unless he produces such authority, if demanded.

82. The right of private defence of the body extends, under the restrictions mentioned in the last preceding section, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely—

First—Such an assault, as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;

Secondly—Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault,

Thirdly—An assault with the intention of committing rape;

Fourthly.—An assault with the intention of gratifying unnatural lust,

Fifthly—An assault with the intention of kidnapping or abducting;

Sixthly.—An assault with the intention of wrongfully confining a person, under circumstances which may

reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release

89 If the offence be not of any of the descriptions enumerated in the last preceding section, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in section 87, to the voluntary causing to the assailant of any harm other than death

90 The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence though the offence may not have been committed, and it continues as long as such apprehension of danger to the body continues

91 The right of private defence of property extends, under the restrictions mentioned in section 87, to the voluntary causing of death or of any other harm to the wrong doer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely —

First — Robbery,

Secondly — House breaking by night,

Thirdly — Mischief by fire committed on any building, tent or vessel, which building, tent or vessel

is used as a human dwelling, or as a place for the custody of property ;

Fourthly —Theft, mischief or house trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

92. If the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions enumerated in the last preceding section, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions mentioned in section 87, to the voluntary causing to the wrong-doer of any harm other than death.

93. The right of private defence of property commences when a reasonable apprehension of danger to the property commences.

The right of private defence of property against theft continues till the offender has effected his retreat with the property or either the assistance of the public authorities is obtained, or the property has been recovered.

The right of private defence of property against robbery continues as long as the offender causes or attempts to cause to any person death or hurt or wrongful restraint or as long as the fear of instant death or of instant hurt or of instant personal restraint continues.

The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief.

The right of private defence of property against house-breaking by night continues as long as the house-trespass which has been begun by such house breaking continues

94 If, in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Right of private
defence against
deadly assault
when there is
risk of harm to
innocent person

Illustration

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

CHAPTER V.

Of abetment.

95 A person abets the doing of a thing, who—

Abetment of a
thing

First—Instigates any person to do that thing, or,

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that

thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing ; or,

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing

Illustration.

A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act and thereby facilitates the commission thereof, is said to aid the doing of that act.

196. A person abets an offence, who abets either
 the commission of an offence, or the
 Abettor commission of an act which would be
 an offence, if committed by a person capable by law of
 committing an offence with the same intention or know-
 ledge as that of the abettor.

Explanation 1.—The abetment of the illegal omission of an act may amount to an offence although the abettor may not himself be bound to do that act

Explanation 2.—To constitute the offence of abetment, it is not necessary that the act abetted should be

committed, or that the effect requisite to constitute the offence should be caused.

Illustrations

(a) A instigates B to murder C. B refuses to do so. A is guilty of abetting B to commit murder.

(b) A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.

Explanation.—It is not necessary that the person abetted should be capable by law of committing an offence or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

Illustrations

(a) A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence, if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(b) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act in the absence of A and thereby causes Z's death. Here though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.

(c) A instigates B to set fire to a dwelling house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling house and is liable to the punishment provided for that offence.

(d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 4.—The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration.

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder, and, as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 5.—It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engaged in the conspiracy in pursuance of which the offence is committed.

Illustration.

A concerts with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C, mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has

therefore committed the offence defined in this section, and is liable to the punishment for murder.

97. A person abets an offence within the meaning of this Code who, in Jaipur territory, abets the commission of any act without and beyond Jaipur territory which would constitute an offence if committed in Jaipur territory.

Abetment in Jaipur territory of offences outside it

Illustration

A, in Jaipur territory, instigates B, a foreigner in British India, to commit a murder in British India. A is guilty of abetting murder.

98. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made for its punishment, be punished with the punishment provided for the offence.

Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment

Explanation—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

Illustrations

(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B accepts the bribe. A has abetted the offence defined in section 151.

(b) A instigates B to give false evidence. B, in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(c) A and B conspire to poison Z. A in pursuance of the conspiracy procures the poison and delivers it to B in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder

99. Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

100. When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it:

Provided the act done was a probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Illustrations.

(a) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner and to the same extent

as if he had instigated the child to put the poison into the food of Y.

(b) A instigates B to burn Z's house. B sets fire to the house and at the same time commits theft of property there. A though guilty of abetting the burning of the house is not guilty of abetting the theft, for the theft was a distinct act and not a probable consequence of the burning.

(c) A instigates B and C to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. B and C break into the house, and being resisted by Z one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, A is liable to the punishment provided for murder.

101 If the act for which the abettor is liable under

Abettor who is
liable to cumulative
punishment for act
abetted and for act
done

the last preceding section is committed in addition to the act abetted, and constitutes a distinct offence, the abettor is liable to punishment for each of the offences.

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Illustration.

A instigates B to resist by force a distress made by a public servant. B, in consequence, resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress and the offence of voluntarily causing grievous hurt, B is liable to punishment for both these offences, and, if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to punishment for each of the offences.

102 When an act is abetted with the intention on

Liability of
abettor for an
effect caused by
the act abetted
different from that
intended by the
abettor

the part of the abettor of causing a particular effect, and an act for which the abettor is liable in consequence of the abetment, causes a different effect from that intended by the abettor, the abettor

is liable for the effect caused in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

Illustration.

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here if A knew that the grievous hurt abetted was likely to cause death, A is liable to be punished with the punishment provided for murder.

103. Whenever any person, who, if absent, would be liable to be punished as an abettor, Abettor present when offence is committed. is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

104. Whoever abets the commission of an offence punishable with death or imprisonment for life, shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine,

and if any act for which the abettor is liable in consequence of the abetment, and which If act causing harm be done in consequence causes hurt to any person, is done, the abettor shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Illustration.

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or imprisonment for life. Therefore A is liable to imprisonment for a term which may extend to seven years and also to a fine, and, if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years and to fine.

105 Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of any description provided for that offence for a term which may extend to one-fourth part of the longest term provided for that offence, or with such fine as is provided for that offence, or with both ;

and if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both

If abettor or person abetted be a public servant whose duty it is to prevent offence

Illustrations

(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B refuses to accept the bribe. A is punishable under this section.

(b) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this section and is punishable accordingly.

(c) A, a police officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

(d) B abets the commission of a robbery by A, a police officer, whose duty it is to prevent that offence. Here though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

106. Whoever abets the commission of an offence by the public generally or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Abetting commission of offence by the public, or by more than ten persons

Illustration.

A affixes in a public place a placard instigating a sect consisting of more than ten members to meet at a certain time and place, for the purpose of attacking the members of an adverse sect, while engaged in a procession. A has committed the offence defined in this section.

107. Whoever intending to facilitate, or knowing it to be likely that he will thereby facilitate, the commission of an offence punishable with death or imprisonment for life, shall be punished with death or imprisonment for life,

Concealing design to commit offence punishable with death or imprisonment for life

voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or

makes any representation which he knows to be false respecting such design,

shall, if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years, or, if the offence be not committed, with

If offence be committed
if offence be not committed

imprisonment of either description for a term which may extend to three years, and in either case shall also be liable to fine

Illustration

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate with intent to facilitate the commission of the offence. The dacoity is committed at B in pursuance of the design. A is punishable under this section.

108. Whoever, being a public servant, intending to facilitate, or knowing it to be likely that he will thereby facilitate, the commission of an offence which it is his duty as such public servant to prevent,

Public servant
concerning design
to commit offence
which it is his
duty to prevent

voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design,

shall, if the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of such

If offence be committed

imprisonment, or with such fine as is provided for that offence, or with both ;

or, if the offence be punishable with death or imprisonment for life, with imprisonment of either description for a term which may extend to ten years ;

or, if the offence be not committed, shall be punished with imprisonment of any description provided for the offence for a term which may extend to one-fourth part of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

Illustration

A, an officer of police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such information, with intent to facilitate the commission of that offence. Here A has by an illegal omission concealed the existence of B's design, and is liable to punishment according to the provision of this section.

109. Whoever, intending to facilitate, or knowing it to be likely that he will thereby facilitate, the commission of an offence punishable with imprisonment—

voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design,

shall, if the offence be committed, be punished with

if offence be committed
if offence be not committed

imprisonment of the description provided for the offence, for a term which may extend to one fourth, and, if the offence be not committed, to one eighth, of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

CHAPTER V—A.

Criminal Conspiracy.

110 When two or more persons agree to do, or
Definition of criminal conspiracy cause to be done,—

- (1) an illegal act, or
- (2) an act which is not illegal by illegal means such an agreement is designated a criminal conspiracy.

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof

Explanation—It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object

111 (1) Whoever is a party to a criminal conspiracy
Punishment of criminal conspiracy
punishable with death, or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

Whoever is a party to a criminal conspiracy for the purpose of committing an offence punishable by section 112 shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

CHAPTER VI.

OFFENCES AGAINST THE STATE.

112. Whoever wages war against the Ruler of the Jaipur State or King Emperor, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or imprisonment for life, and shall also be liable to fine.

Illustrations.

(a) A joins an insurrection against the King or Jaipur Durbar. A has committed the offence defined in this section.

(b) A in Jaipur territory abets an insurrection against the King's Government of Ceylon by sending arms to the insurgents. A is guilty of abetting the waging of war against the King.

113. Whoever conspires to commit any of the offences punishable by section 112 or to deprive the King Emperor of the sovereignty of the whole or any part of British India, or to deprive the Ruler of the Jaipur State of the whole or any part of that State or conspires to overawe, by means of criminal force or the show of criminal force, the Government of India or any Local Government in British India or the Jaipur Durbar, shall

be punished with imprisonment of either description which may extend to fourteen years and shall also be liable to fine

Explanation -- To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.

114 Whoever collects men, arms or ammunition or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against the Ruler of the Jaipur State or the King Emperor, shall be punished with imprisonment of either description for a term not exceeding fourteen years, and shall also be liable to fine

115 Whoever, by any act, or by any illegal omission, conceals the existence of a design to wage war against the Ruler of the Jaipur State or the King Emperor, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

116 Whoever, with the intention of inducing or compelling any member of the Chief Executive Government of Jaipur State to exercise or refrain from exercising in any manner any of the lawful powers of such member, assaults or wrongfully restrains or attempts wrongfully to restrain or overawes, by means of

Collecting arms
etc., with inten-
tion of waging
war against the
King or the Ruler
of the Jaipur
State

Concealing with
intent to facilitate
design to wage
war

Assaulting mem-
ber of the Chief
Executive Go-
vernment of
Jaipur State with
intent to compel
or restrain the
exercise of any
lawful power.

criminal force or the show of criminal force, shall be punished with imprisonment of either description which may extend to seven years and shall also be liable to fine.

117. Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the ruler of the Jaipur state, the Darbar, the King-Emperor or the Government established by law in British India, shall be punished with imprisonment which may extend to fourteen years, to which fine may be added, or with fine

Explanation 1 —The expression "disaffection" includes disloyalty and all feelings of enmity.

Explanation 2 —Suggestions as to improvements in the administration or any branch of the administration do not constitute an offence under this section.

118. Whoever procures or circulates any writing, publication, picture, engraving or model containing any matter likely to cause disaffection against the Darbar or the Government of India, or is in possession of any such article, knowing or having reason to believe that its contents are likely to cause such disaffection, shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

119 Whoever, being a public servant and having the custody of any State prisoner, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine

120 Whoever, being a public servant and having the custody of any State prisoner, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

121 Whoever knowingly aids or assists any State prisoner in escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine

Explanation—A State prisoner, who is permitted to be at large on his parole within certain limits in Jaipur territory, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large

CHAPTER VII.

OF offences relating to the army.

122. Whoever abets the committing of mutiny by an officer or soldier in the army of Jaipur State, or attempts to seduce any such officer or soldier from his allegiance or his duty, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Abetting mutiny or attempting to seduce a soldier from his duty

123. Whoever abets the committing of mutiny by an officer or soldier in the army of the Jaipur State shall, if mutiny be committed in consequence of that abetment, be punished with death or imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine

Abetment of mutiny, if mutiny is committed in consequence thereof

124. Whoever abets an assault by an officer or soldier in the army of Jaipur State, on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine

Abetment of assault by soldier on his superior officer, when in execution of his office

125. Whoever abets an assault by an officer or soldier in the army of Jaipur State on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment, be punished with imprisonment of either description

Abetment of such assault if the assault is committed

for a term which may extend to seven years, and shall also be liable to fine.

126 Whoever abets the desertion of any officer or soldier in the Army of Jaipur State shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

127 Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer or soldier in the Army of Jaipur State has deserted, harbours such officer or soldier, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

Exception—This provision does not extend to the case in which the harbour is given by a wife to her husband.

128 Whoever abets what he knows to be an act of insubordination by an officer or soldier in the Army of Jaipur State shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

129 Whoever, not being a soldier in the Army of the Jaipur State, wears any garb or carries any token resembling any garb or token used by such a soldier, with the intention that it may be believed that he is such a

soldier, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

CHAPTER VIII.

Of offences against the public tranquillity.

130. An assembly of five or more persons is designated an "unlawful assembly," if the common object of the persons composing that assembly is—

First.—To overawe by criminal force, or show of criminal force, any public servant in the exercise of the lawful power of such public servant, or

Second.—To resist the execution of any law or of any legal process; or

Third.—To commit any mischief or criminal trespass, or other offence; or

Fourth.—By means of criminal force or show of criminal force to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

Fifth.—By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do

Explanation.—An assembly which was not unlawful

when it assembled, may subsequently become an unlawful assembly

131 Whoever, being aware of facts which render
 Being member of any assembly an unlawful assembly,
 unlawful assembly intentionally joins that assembly, or
 continues in it, is said to be a member of an unlawful
 assembly

132 Whoever is a member of an unlawful assembly,
 shall be punished with imprisonment of
 Punishment either description for a term which may
 extend to six months, or with fine, or with both

133 Whoever, being armed with any deadly
 weapon, or with anything which, used
 as a weapon of offence, is likely to cause
 Joining unlawful assembly armed with deadly death, is a member of an unlawful
 assembly, shall be punished with imprisonment of either description for a term which may
 extend to two years, or with fine, or with both

134 Whoever joins or continues in an unlawful
 assembly, knowing that such unlawful
 assembly has been commanded in the
 manner prescribed by law to disperse,
 Joining or continuing in unlawful assembly knowing it has been commanded to disperse shall be punished with imprisonment of
 either description for a term which may extend to two
 years, or with fine, or with both.

135 Whenever force or violence is used by an
 unlawful assembly, or by any member
 thereof, in prosecution of the common
 object of such assembly, every member of such assembly
 is guilty of the offence of rioting

136. Whoever is guilty of rioting, shall be punished
 Punishment for rioting with imprisonment of either description
 for a term which may extend to two
 years, or with fine, or with both

137. Whoever is guilty of rioting, being armed
 Rioting with armed with a deadly weapon or with anything
 with deadly which, used as a weapon of offence, is
 weapon likely to cause death, shall be punished with imprison-
 ment of either description for a term which may extend
 to three years, or with fine, or with both.

138 If an offence is committed by any member of
 Every member of an unlawful assembly in prosecution of
 unlawful assembly the common object of that assembly, or
 guilty of offence such as the members of that assembly
 committed in pro- such as the members of that assembly
 secution of com- knew to be likely to be committed in
 mon object prosecution of that object, every person who, at the time
 of the committing of that offence, is a member of the
 same assembly, is guilty of that offence.

139 Whoever hires or engages or employs, or
 Hiring, or conniv- promotes, or connives at the hiring,
 ing at hiring, of engagement or employment of any
 persons to join person to join or become a member of
 unlawful assem- any unlawful assembly, shall be punish-
 bly able as a member of such unlawful assembly, and for
 any offence which may be committed by any such
 person as a member of such unlawful assembly in
 pursuance of such hiring, engagement or employment,
 in the same manner as if he had been a member of such
 unlawful assembly, or himself had committed such offence.

140 Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both

Explanation—If the assembly is an unlawful assembly within the meaning of section 130, the offender will be punishable under section 134

141 Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant, in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, or uses, or threatens, or attempts to use criminal force to such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both

142 Whoever maliciously, or wantonly, by doing anything which is illegal, gives provocation to any person, intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence

of such provocation, be punished with imprisonment of either description for a term which if not committed may extend to one year, or with fine, or with both, and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

143. Whoever by words, either spoken or written, or by signs, or by visible representations, Promoting enmity between classes or otherwise, promotes or attempts to promote feelings of enmity or hatred between the different classes of the subjects of the King Emperor or those of the Jaipur State, shall be punished with imprisonment which may extend to two years, or with fine, or with both.

144. Whenever any unlawful assembly or riot takes place, the owner or occupier of the Owner or occupier of land on which an unlawful assembly is held. land upon which such unlawful assembly is held, or such riot is committed, and any person having or claiming an interest in such land, shall be punishable with fine not exceeding one thousand rupees,

if he or his agent or manager, knowing that such offence is being or has been committed, or having reason to believe it is likely to be committed, do not give the earliest notice thereof in his or their power to the principal officer at the nearest police station,

and do not, in the case of his or their having reason to believe that it was about to be committed, use

all lawful means in his or their power to prevent it, and in the event of its taking place, do not use all lawful means in his or their power to disperse or suppress the riot or unlawful assembly

145. Who ever a riot is committed for the benefit of the agent or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he or his agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not respectively use all lawful means in his or their power to prevent such assembly or riot from taking place, and for suppressing and dispersing the same

146. Whenever a riot is committed for the benefit of the agent or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, the agent or manager of such person shall be punishable with fine, if such agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all

lawful means in his power to prevent such riot or assembly from taking place and for suppressing and dispersing the same

147. Whoever harbours, receives or assembles, in any house or premises in his occupation or charge, or under his control, any persons knowing that such persons have been hired, engaged or employed, or are about to be hired, engaged or employed, to join or become members of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

148. Whoever is engaged or hired, or offers or attempts to be hired or engaged, to do or assist in doing any of the acts specified in section 130, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both,

and whoever, being so engaged or hired as aforesaid, goes armed, or engages or offers to go armed, with any deadly weapon or with anything which used as a weapon of offence is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

149. When two or more persons, by fighting in a public place, disturb the public peace, they are said to "commit an affray."

Affray

150 Whoever commits an *astray*, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both

CHAPTER IX.

Of offences by or relating to public servants.

151 Whoever, being or expecting to be a public servant accepts or obtains, or agrees to accept, or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person with the *Dirbar* or with any public servant, as such shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both

Explanations—"Expecting to be a public servant" If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this section

"Gratification" The word "gratification" is not restricted to pecuniary gratifications or to gratifications estimable in money.

“Legal remuneration.” The words “legal remuneration” are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government, which he serves, to accept.

“A motive or reward for doing.” A person who receives a gratification as a motive for doing what he does not intend to do or as a reward for doing what he has not done, comes within these words.

Illustrations.

(a) A, a munsif, obtains from Z, a banker, a situation in Z's bank for A's brother, as a reward to A for deciding a cause in favour of Z. A has committed the offence defined in this section.

(b) A, a public servant, induces Z erroneously to believe that A's influence with the Darbar has obtained a Jagir for Z, and thus induces Z to give A money as a reward for this service. A has committed the offence defined in this section

152. Whoever accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Darbar or with any public servant, as such, shall be punished with imprisonment of either description for a

term which may extend to three years, or with fine, or with both

153 Whoever accepts or obtains, or agrees to accept or attempts to obtain from any person, for himself, or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Director or with any public servant, as such, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both

Illustration

An advocate who receives a fee for signing a case before a Judge, a person who receives pay for arranging and correcting a memorial addressed to Darbar setting forth the services and claims of the memorialist, a paid agent for a condemned criminal, who lays before the Darbar statements tending to show that the condemnation was unjust—are not within this section, inasmuch as they do not exercise or profess to exercise personal influence

154 Whoever, being a public servant, in respect of whom either of the offences defined in the last two preceding sections is committed, abets the offence, shall be punished with imprisonment of either

Punishment for abetment by public servant of offence defined in sect. 152 or 153

description for a term which may extend to three years or with fine or with both

Illustration.

A is a public servant. B, A's wife, receives a present as a motive for soliciting A to give an office to a particular person. A abets her doing so. B is punishable with imprisonment for a term not exceeding one year, or with fine or with both. A is punishable with imprisonment for a term which may extend to three years, or with fine or with both

155 Whoever, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain, for himself, or for any other person, any valuable thing without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate,

or from any person whom he knows to be interested in or related to the person so concerned,

shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Illustrations.

(a) A, a Nazim, hires a house of Z, who has a case pending before him. It is agreed that A shall pay fifty rupees a month, the house being such that, if the bargain were made in good faith, A would be required to pay

two hundred rupees a month. A has obtained a valuable thing from Z without adequate consideration.

(b) A, a Judge buys of Z who has a cause pending in A's court, Government promissory notes at a discount, when they are selling in the market at a premium. A has obtained a valuable thing from Z without adequate consideration.

(c) Z's brother is apprehended and taken before A, a Magistrate, on a charge of perjury. A sells to Z shares in a bank at a premium when they are selling in the market at a discount. Z pays A for the shares accordingly. The money so obtained by A is a valuable thing obtained by him without adequate consideration.

156. Whoever, being a public servant, knowingly disobeys any direction of the law as to observing law, with intent to cause in the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Illustration

A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favour by a Court of Justice knowingly disobeys that direction of law with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.

157. Whoever being a public servant, and being, as such public servant, charged with the preparation or translation of any document, frames or translates that document in a manner which he knows or believes

to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause, injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

158. Whoever, being a public servant, and being legally bound as such public servant not to purchase or bid for certain property, purchases or bids for that property, either in his own name or in the name of another, or jointly, or in shares with others, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both; and the property, if purchased, shall be confiscated.

159. Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office, or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

160. Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of

public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both

CHAPTER X.

OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

161 Whoever absconds in order to avoid being served with summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both,

or if the summons or notice or order is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

162 Whoever, in any manner, intentionally prevents the serving on himself, or on any other person, of any summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, or intentionally prevents the lawful affixing to any place of any such summons, notice or order,

or intentionally removes any such summons, notice, or order from any place to which it is lawfully affixed,

or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made,

shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both,

or, if the summons, notice, order or proclamation, is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

163 Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same,

intentionally omits to attend at that place or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart,

shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both,

or, if the summons, notice, order or proclamation is to attend in person or by agent in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one

thousand rupees, or with both.

Illustrations.

(a) A being legally bound to appear before the Nazim Jaipur in obedience to a subpoena isuing from that Court, intentionally omits to appear. A has committed the offence defined in this section.

(b) A being legally bound to appear before a Judge, as a witness, in obedience to a summons issued by that Judge, intentionally omits to appear. A has committed the offence defined in this section.

164 Whoever, being legally bound to produce or deliver up any document to any public servant, as such intentionally omits so to produce or deliver up the same shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both ;

or, if the document is to be produced or delivered up to a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Illustration.

A, being legally bound to produce a document before a Court intentionally omits to produce the same. A has committed the offence defined in this section.

165 Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or furnish such information in the manner and at the time required by law, shall

Omission to give notice or information to public servant by person legally bound to give it

be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both ;

or, if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

166. Whoever, being legally bound to furnish
 Furnishing false information on any subject to any public
 information servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both,

or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustration.

A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this section.

Explanation—In section 165 and in this section the word "offence" includes any act committed at any place out of Jaipur territory, which, if committed in Jaipur territory, would be punishable under any of the following sections, namely, 290, 292, 371, 381, 382, 383, 384, 387, 388, 391, 423, 424, 434, 435, 442, 443, 444 and 445, and the word "offender" includes any person who is alleged to have been guilty of any such act

167 Whoever refuses to bind himself by an oath or affirmation to state the truth, when
 Refusing oath or affirmation when
 duty required by public servant to make it
 requested so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

168 Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both

169 Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that
 Refusing to sign statement.

statement, shall be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.

170 Whoever, being legally bound by an oath or affirmation to state the truth on any subject to any public servant or other person authorised by law to administer such oath or affirmation, makes to such public servant or other person as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

171. Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant—

- (a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or
 - (b) to use the lawful power of such public servant to the injury or annoyance of any person,
- shall be punished with imprisonment of either description for a term which may extend to six months, or

with fine which may extend to one thousand rupees, or with both

Illustrations

(a) A informs a Magistrate that Z a police officer subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.

(b) A falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village. He does not mention the name of any person as one of his assailants but knows it to be likely that in consequence of this information the police will make enquiries and institute searches in the village to the annoyance of the villagers or some of them. A has committed an offence under this section.

172 Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that he is such public servant shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Resistance to
taking of property
by lawful authority
of public servant.

173 Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to one month or with fine which may extend to five hundred rupees, or with both.

Obstructing sale
of property offered
for sale by authority
of public servant.

174. Whoever, at any sale of property held by the lawful authority of a public servant, as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both

175. Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

176. Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both,

and if such assistance be demanded of him by a public servant legally competent to make such demand

for the purposes of executing any process lawfully issued by a Court of Justice, or of preventing the commission of an offence, or of suppressing a riot or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

177 Whoever knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction,

shall if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both,

and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both

Explanation —It is not necessary that the offender should intend to produce harm or contemplate his

disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration.

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

178. Whoever holds out any threat of injury to
Threat of injury to public servant any public servant or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

179. Whoever holds out any threat of injury to any
Threat of injury to induce person to refrain from applying for protection to public servant person for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant legally empowered, as such, to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

CHAPTER XI

OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC
JUSTICE

180 Whoever being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

Explanation 1—A statement is within the meaning of this section, whether it is made verbally or otherwise.

Explanation 2—A false statement as to the belief of the person attesting is within the meaning of this section and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe as well as by stating that he knows a thing which he does not know.

Illustrations

(a) A, in support of a just claim which B has against Z for one thousand rupees, falsely swears on a trial that he heard Z admit the justice of B's claim. A has given false evidence.

(b) A, being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false and therefore gives false evidence.

(c) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z, A in good faith believing it to be

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so Here A's statement is merely as to his belief, and is true as to his belief and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.

(d) A, being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, he not knowing anything upon the subject. A gives false evidence whether Z was at that place on the day named or not.

(e) A, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement or document, which he is bound by oath to interpret or translate truly, that which is not and which he does not believe to be a true interpretation or translation has given false evidence.

✓ 181. Whoever causes any circumstance to exist, makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry, or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such or before an arbitrator, and that such circumstance, false entry or false statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said to "fabricate false evidence."

Illustrations

(a) A puts jewels into a box belonging to Z, with the intention that they may be found in that box and that this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.

(b) A makes a false entry in his shop book for the purpose of using it as corroborative evidence in a Court of Justice. A has fabricated false evidence.

(c) A with a intention of causing Z to be convicted of a criminal offence, writes a letter in imitation of Z's handwriting purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place where he knows that the officers of the police are likely to search. A has fabricated false evidence.

122 Whoever intentionally gives false evidence in any stage of a judicial proceeding or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

and whoever intentionally gives or procures false evidence in any judicial case shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

Explanation 1.—A trial before a Court Martial is a judicial proceeding.

Explanation 2.—An investigation directed by law prior to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration

A is an enquiry before a magistrate for the purpose of ascertaining whether Z ought to be committed for trial on his oath statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

Explanation 3.—An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration

A, in an enquiry before an officer deputed by a Court of Justice to ascertain on the spot the boundaries of land, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence

183. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by the law of Jaipur State, shall be punished with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine; and if an innocent person be convicted and executed in consequence of false evidence, the person who gives such false evidence, shall be punished either with death or the punishment hereinbefore described.

Giving or fabricating false evidence with intent to procure conviction of capital offence,

if innocent person be thereby convicted and executed

184. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by the law of Jaipur State is not capital but punishable with imprisonment for a term of seven years or

Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment

upwards, shall be punished as a person convicted of that offence would be liable to be punished

Illustration

A gives false evidence before a Court of justice, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is rigorous imprisonment for a term which may extend to fourteen years, with or without fine. A, therefore, is liable to such imprisonment, with or without fine

185 Whoever corruptly uses or attempts to use as true or genuine evidence any evidence
Using evidence known to be false which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence

186 Whoever issues or signs any certificate
Issuing or signing false certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point shall be punished in the same manner as if he gave false evidence

187 Whoever corruptly uses or attempts to use
Using as true a certificate known to be false any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence

188 Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or other person is bound or authorised by law to receive as evidence of any
False statement made in declaration which is by law receivable as evidence.

which may extend to three years, and shall also be liable to fine,

and if the offence is punishable with imprisonment for a term less than ten years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one fourth part of the term of the imprisonment provided for the offence, or with fine, or with both.

Illustration

A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years and also to fine.

191. Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give information of the offence to a person lawfully bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

192. Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation—In sections 190 and 191 and in this section the word "offence" includes any act committed at any place out of Jaipur territory, which, if committed

forfeited or in execution, shall not be taken as a lien or interest therein from being taken as a

forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced, by a Court of Justice or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made, by a Court of Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

196 Whoever fraudulently accepts, receives or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practises any deception touching any right to any property or interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced, by a Court of Justice or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made, by a Court of Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

197 Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due, or for a larger sum than

Fraudulent claim to property to prevent its seizure as forfeited or in execution

Fraudulently suffering decree for sum not due

is due to such person or for any property or interest in property to which such person is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for anything in respect of which it has been satisfied, shall be punished with imprisonment of either description for a term which may extend to two years or with fine, or with both.

Illustration

A institutes a suit against Z, knowing that A is likely to obtain a decree against him fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this section

198. Whoever fraudulently or dishonestly, or with Dishonestly mak
ing false claim in
court intent to injure or annoy any person, makes in a Court of Justice any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

199. Whoever fraudulently obtains a decree or order against any person for a sum not Fraudulently ob-
taining decree for
sum not due due, or for a larger sum than is due, or for any property or interest in property to which he is not entitled, or fraudulently causes a decree or order to be executed against any person after it has been satisfied, or for anything in respect of which it has been satisfied, or fraudulently suffers or permits

any such act to be done in his name, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

200 Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with both, and if such criminal proceeding be instituted on a false charge of an offence punishable with death, or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine

201. Whenever an offence has been committed, whoever harbours or conceals a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment,

shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine,

and if the offence is punishable with imprisonment which may extend to ten years or upwards, shall be punished with imprisonment of either description for a term

which may extend to three years, and shall also be liable to fine ;

and if the offence is punishable with imprisonment for a term less than ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

"Offence" in this section includes any act committed at any place out of Jaipur territory, which, if committed in Jaipur territory, would be punishable under any of the following sections, namely, 290, 292, 371, 381, 382, 383, 384, 385, 386, 387, 388, 391, 423, 424, 434, 435, 442, 443, 444 and 445, and every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in Jaipur territory.

Exception.—This provision shall not extend to any case in which the harbour or concealment is by the husband or wife of the offender

Illustration.

A, knowing that B has committed dacoity, knowingly conceals B, in order to screen him from legal punishment. Here, as B is liable to imprisonment for 10 years, A is liable to imprisonment of either description for a term not exceeding three years and is also liable to fine.

202. Whoever accepts or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any

Taking gift etc., to screen an offender from punishment,

other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment,

shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

and if the offence is punishable with imprisonment which may extend to ten years or upwards, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine,

and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description provided for the offence or a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both

203 Whoever gives or causes, or offers or agrees to give or cause, any gratification to any person, or to restore or cause the restoration of any property to any person, in consideration of that person's concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment,

Offering gift or restoration of property in consideration of screening offender--

shall, if the offence is punishable with death, be
 If a capital offence punished with imprisonment of either
 description for a term which may extend
 to seven years and shall also be liable to fine:

and if the offence is punishable with imprisonment
 which may extend to ten years, or up-
 If punishable with imprisonment wards, shall be punished with imprison-
 ment of either description for a term
 which may extend to three years, and shall also be
 liable to fine,

and if the offence is punishable with imprisonment
 not extending to ten years, shall be punished with
 imprisonment of the description provided for the offence
 for a term which may extend to one-fourth part of the
 longest term of imprisonment provided for the offence,
 or with fine, or with both.

Exception.—The provisions of sections 202 and 203
 do not extend to any case in which the offence may
 lawfully be compounded.

204. Whoever takes or agrees or consents to take
 any gratification under pretence or on
 Taking gift to help to recover stolen property, etc account of helping any person to recover
 any moveable property of which he shall
 have been deprived by any offence
 punishable under this Code, shall, unless he uses all
 means in his power to cause the offender to be apprehended and convicted of the offence, be punished with
 imprisonment of either description for a term which may
 extend to two years, or with fine, or with both.

207. Whereby any person convicted of or charged with an offence, being in lawful custody for the offence, escapes from such custody, shall be punished as follows.

Whoever, under any arrangement in the exercise of the lawful powers of such person, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension, harbours or conceals the person with the intention of preventing him from being apprehended, shall be punished in the manner following that is to say ;

if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine ;

if the offence is punishable with imprisonment for ten years, or upwards, he shall be punished with imprisonment of either description for a term which may extend to three years with or without fine ;

and if the offence is punishable with imprisonment for a term less than ten years, he shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence, or with fine, or with both

"Offence" in this section includes also any act or omission of which a person is alleged to have been guilty out of Jaipur territory which, if he had been guilty of it in Jaipur territory, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in Jaipur territory, and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in Jaipur territory.

Exception.—This provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

206. Whoever, knowing or having reason to believe that any person or persons are about to commit or have recently committed robbery or dacoity, harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity, or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Penalty for har-
bouring robbers or
dacoites

Explanation.—For the purposes of this section it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without Jaipur territory.

Exception—This provision does not extend to the case in which the harbour is by the husband or wife of the offender.

207 In sections 201. 205 and 206, the word
 'harbour' includes the supplying a
 person with shelter, food, drink, money,
 clothes, arms, ammunition or means of
 conveyance, or the assisting a person in
 any way to evade apprehension

208 Whoever being a public servant, knowingly
 disobeys any direction of the law as to
 the way in which he is to conduct him-
 self as such public servant, intending
 thereby to save, or knowing it to be
 likely that he will thereby save, any
 person from legal punishment, or subject
 him to a less punishment than that to which he is liable,
 or with intent to save, or knowing that he is likely
 thereby to save any property from forfeiture or any
 charge to which it is liable by law, shall be punished
 with imprisonment of either description for a term which
 may extend to two years, or with fine, or with both

209 Whoever, being a public servant, and being,
 as such public servant, charged with the
 preparation of any record or other
 writing, frames that record or writing
 in a manner which he knows to be incor-
 rect with intent to cause, or knowing it
 to be likely that he will thereby cause,
 loss or injury to the public or to any person, or with
 intent thereby to save, or knowing it to be likely that
 he will thereby save, any person from legal punishment,
 or with intent to save, or knowing that he is likely

thereby to save any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

210. Whoever, being a public servant, corruptly or maliciously makes or pronounces, in
Public servant in judicial proceeding corruptly making report, etc, contrary to law any stage of a judicial proceeding, any report, order, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

211. Whoever, being in any office which gives him legal authority to commit person
Commitment for trial or confinement by person having authority who knows that he is acting contrary to law. for trial or to confinement, or to keep persons in confinement, corruptly or maliciously commits any person for trial or confinement, or keeps any person in confinement, in the exercise of that authority, knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

212. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any
Intentional commission to apprehend on the part of public servant bound to apprehend person charged with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person

with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death; or

with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, is subject, by a sentence of a Court of Justice, or by virtue of a commutation of such sentence, to imprisonment for a term of ten years or upwards; or

with imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement, or who ought to have been apprehended, is subject, by a sentence of a Court of Justice, to imprisonment for a term not exceeding to ten years, or if the person was lawfully committed to custody.

214. Whoever, being a public servant legally bound as such public servant to keep
Escape from confinement or custody negligently suffered by public servant. in confinement any person charged with or convicted of any offence or lawfully committed to custody, negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

215. Whoever intentionally offers any resistance
Resistance or obstruction by a person to his lawful apprehension. or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted, or escapes or attempts to escape from

any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation — The punishment in this section is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged, or of which he was convicted.

216. Whoever, intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue

any other person from any custody in which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with imprisonment for a term which may extend to ten years, or upwards, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine

or, if the person to be apprehended, or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine,

or, if the person to be apprehended or rescued, or attempted to be rescued, is liable, under the sentence of a Court of Justice, or by virtue of a commutation of such a sentence, to imprisonment, for a term of ten years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with imprisonment of either description for a term not exceeding fourteen years, and shall also be liable to fine

217. Whoever, being a public servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in section 212, section 213 or section 214, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished—

- OMISSION to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for
- (a) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with both, and
 - (b) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine or with both;

218. Whoever, in any case not provided for in
 section 215 or section 216 or in any
 other law for the time being in force,
 intentionally offers any resistance or
 illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine or with both.

219. Whoever, having accepted any conditional
 remission of punishment, knowingly
 violates any condition on which such
 remission was granted, shall be punished
 with the punishment to which he was originally sentenced, if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

220. Whoever intentionally offers any insult, or
 causes any interruption to any public
 servant, while such public servant is
 sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

CHAPTER XII.

OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

221. Coin is metal used for the time being as money,
 "Coin" defined and stamped and issued by the authority of some State or Sovereign Power in order to be so used

Illustrations.

(a) Cowries are not coin.

(b) Lumps of unstamped copper, though used as money, are not coin

(c) Medals are not coin, in as much as they are not intended to be used as money.

(d) The coin denominated as the Company's rupee is coin.

222. Whoever counterfeits, or knowingly performs any part of the process of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation.—A person commits this offence who intending to practise deception, or knowing it to be likely that deception will thereby be practised, causes a genuine coin to appear like a different coin.

223. Whoever makes or mends, or performs any part of the process of making or mending, or buys, sells or disposes of, any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting coin, shall be punished with imprisonment of

Making or selling
 instrument for
 counterfeiting coin

either description for a term which may extend to three years, and shall also be liable to fine

224 Whoever is in possession of any instrument or material, for the purpose of using the same for counterfeiting coin, or knowing or having reason to believe that the same is intended to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

225 Whoever, being within Jaipur territory, abets the counterfeiting of coin out of Jaipur territory shall be punished in the same manner as if he abetted the counterfeiting of such coin within Jaipur territory.

226 Whoever imports into Jaipur territory or exports therefrom, any counterfeit coin, knowing or having reason to believe that the same is counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

227 Whoever, having any counterfeit coin, which at the time when he became possessed of it he knew to be counterfeit, fraudulently or with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term

which may extend to five years, and shall also be liable to fine.

228. Whoever delivers to any other person as genuine, or attempts to induce any other person to receive as genuine, any counterfeit coin, which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession, shall be punished with imprisonment of either description for a term which may extend to two years or with fine to an amount which may extend to ten times the value of the coin counterfeited, or with both.

Illustration.

A, a coiner, delivers counterfeit Company's rupees to his accomplice B, for the purpose of uttering them. B sells the rupees to C, another utterer who buys them knowing them to be counterfeit. C pays away the rupees for goods to D, who receives them not knowing them to be counterfeit. D after receiving the rupees, discovers that they are counterfeit and pays them away as if they were good. Here D is punishable only under this section, but B and C are punishable under section 227.

229. Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin, having known it to be counterfeit at the time when he became possessed thereof that such coin was counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

230 Whoever, fraudulently or dishonestly performs on any coin any operation which fraudulently or dishonestly diminishes weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to three years shall also be liable to fine

Explanation — A person who scoops out part of the coin and puts anything else into the cavity, alters the composition of that coin

231 Whoever performs on any coin any operation which alters the appearance of coin with intent that it shall pass as coin of different description, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

232. Whoever, having coin in his possession with respect to which the offence defined in section 230 or 231 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

233 Whoever fraudulently or with intent that Possession of coin fraud may be committed, is in possession of coin with respect to which the offence defined in either of the sections 230 or 231 has been committed having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

234. Whoever delivers to any other person as Delivery of coin genuine or as a coin of a different description from what it is, or attempts to induce any person to receive as genuine, or as a different coin from what it is, any coin in respect of which he knows that any such operation as that mentioned in sections 230 or 231 has been performed, but in respect of which he did not, at the time when he took it into his possession, know that such operation had been performed, shall be punished with imprisonment of either description for a term which may extend to two years or with fine to an amount which may extend to ten times the value of the coin for which the altered coin is passed, or attempted to be passed.

235. Whoever counterfeits, or knowingly per-Counterfeiting forms any part of the process of coun- Government Government or Darbar stamp terfeiting, any stamp issued by Government of India or Darbar for the purpose of revenue, shall be punished with imprisonment of either description

for a term which may extend to fourteen years, and shall also be liable to fine

Explanation.—A person commits this offence who counterfeits or causing a revenue stamp of one denomination to appear like a revenue stamp of a different denomination

236 Whoever has in his possession any instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government of India or Darbar for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine

237 Whoever makes or performs any part of the process of making, or buys, or sells, or disposes of any instrument for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government of India or Darbar for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine

238 Whoever sells, or offers for sale, any stamp which he knows or has reason to believe to be a counterfeit of any stamp issued by Government of India or Darbar for the purpose of

revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

239. Whoever has in his possession any stamp

Having possession of any stamp issued by Government of India or Darbar for the purpose of revenue, intending to use or dispose of the same as a genuine stamp, or in order that it may be used as a genuine stamp, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

240. Whoever uses as genuine any stamp, know-

Using as genuine ing it to be a counterfeit of any stamp issued by Government of India or Darbar for the purpose of revenue shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

241. Whoever fraudulently, or with intent to

Effacing writing from substance bearing Government or Darbar stamp or removing from document a stamp, used for it, with intent to cause loss to Government, of India or Darbar cause loss to the Government of India or Darbar removes or effaces from any substance, bearing any stamp issued by Government of India or Darbar for the purpose of revenue, any writing or document for which such stamp has been used, or removes from any writing or document, a stamp which has been used for such writing or document, in order that such stamp may

be used for a different writing or document shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both

242 Whoever fraudulently, or with intent to cause loss to the Government of India or Darbar stamp known to have been once used stamp issued by Government of India or Darbar for the purpose of revenue, which he knows to have been before used, shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both

243 Whoever fraudulently, or with intent to cause loss to Government of India or denoting that Darbar erases or removes from a stamp used issued by Government of India or Darbar for the purpose of revenue, any mark, put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession, or sells or disposes of any such stamp from which such mark has been erased or removed, or sells or disposes of any such stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both

244. (1) Whoever—

Prohibition of
fictitious stamps

(a) Makes, knowingly utters, deals in or sells any fictitious stamp, or knowingly uses

for any postal purpose any fictitious stamp, or

(b) has in his possession, without lawful excuse, any fictitious stamp, or

(c) makes or, without lawful excuse, has in his possession any die, plate, instrument or material for making any fictitious stamp,

shall be punished with fine which may extend to two hundred rupees.

(2) Any such stamp, die, plate, instrument or materials in the possession of any person for making any fictitious stamp may be seized and shall be forfeited.

(3) In this section "fictitious stamp" means any stamp falsely purporting to be issued by Government of India or Darbar for the purpose of denoting a rate of postage or any facsimile or imitation or representation, whether on paper or otherwise, of any stamp issued by Government of India or Darbar for that purpose.

CHAPTER XIII.

OF OFFENCES RELATING TO WEIGHTS AND MEASURES

245 Whoever fraudulently uses any instrument Fraudulent use of for weighing which he knows to be false instrument for weighing false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

246. Whoever fraudulently uses any false weight Fraudulent use of false weight or false measure of length or capacity, measure or fraudulently uses any weight or any

measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both

247 Whoever is in possession of any instrument being in power for weighing, or of any weight, or of ^{any of false} weight or measure and measure of length or capacity which he knows to be false, and intending that the same may be fraudulently used, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both

248 Whoever makes, sells or disposes of any ^{Making or selling} instrument for weighing, or any weight, ^{false weight or} or any measure or length or capacity which he knows to be false, in order that the same may be used as true or knowing that the same is likely to be used as true, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both

CHAPTER XIV

OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY
CONVENIENCE, DECENTY AND MORALS

249 A person is guilty of a public nuisance who ^{Public nuisance} does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right

A common nuisance is not excused on the ground that it causes some convenience or advantage.

250. Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

251. Whoever maliciously does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

252. Whoever knowingly disobeys any rule made and promulgated by the Darbar for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

253. Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such articles as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both

257. Whoever knowingly sells, or offers or exposes
 Sale of drug as a for sale, or issues from a dispensary for
 different drug or different drug or
 preparation preparation medicinal purposes, any drug or medical
 preparation, as a different drug or medical preparation,
 shall be punished with imprisonment of either descrip-
 tion for a term which may extend to six months, or
 with fine which may extend to one thousand rupees, or
 with both.

258. Whoever voluntarily corrupts or fouls the
 Fouling water of water of any public spring or reservoir,
 public spring or public spring or
 reservoir, reservoir, so as to render it less fit for the purpose
 for which it is ordinarily used; shall be punished with
 imprisonment of either description for a term which
 may extend to three months, or with fine which may
 extend to five hundred rupees or with both.

259. Whoever voluntarily vitiates the atmos-
 Making atmos- sphere in any place so as to make it
 phere noxious to phere noxious to
 health health noxious to the health of persons in
 general dwelling or carrying on business in the neigh-
 bourhood or passing along a public way, shall be
 punished with fine which may extend to five hundred
 rupees.

260. Whoever drives any vehicle, or rides, on any
 Rash driving or public way in a manner so rash or
 riding on a public riding on a public
 way way negligent as to endanger human life, or

to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both

261. Whoever navigates any vessel in a manner Bad navigation so rash or negligent as to endanger of vessel human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both

262. Whoever, knowingly or negligently con-
Conveying person by water, or causes to be conveyed for hire, any person by water in any vessel, in unsafe or overloaded vesselveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both

263. Whoever, by doing any act, or by omitting Danger or obstruction in public way or line of navigation to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to two hundred rupees

264. Whoever does, with any poisonous substance

Negligent conduct any act in a manner so rash or neglig-
with respect to gent as to endanger human life, or
poisonous substance to be likely to cause hurt or injury
tance to any person,

or knowingly or negligently omits to take such
order with any poisonous substance in his possession
as is sufficient to guard against probable danger to
human life from such poisonous substance,

shall be punished with imprisonment of either des-
cription for a term which may extend to six months,
or with fine, which may extend to one thousand rupees,
or with both

265. Whoever does, with fire or any combustible
Negligent conduct matter, any act so rashly or negligently
with respect to as to endanger human life, or to be
fire or combustible likely to cause hurt or injury to any
matter other person,

or knowingly or negligently omits to take such
order with any fire or any combustible matter in his
possession as is sufficient to guard against any pro-
bable danger to human life from such fire or combus-
tible matter,

shall be punished with imprisonment of either
description for a term which may extend to six months,
or with fine which may extend to one thousand rupees,
or with both.

266 Whoever does, with any explosive substance,
Negligent conduct any act so rashly or negligently as to
with respect to ex- endanger human life, or to be likely to
plosive substance cause hurt or injury to any other person,

or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both

267. Whoever does, with any machinery, any negligent conduct act so rashly or negligently as to endanger human life or to be likely to cause hurt or injury to any other person,

or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to human life from such machinery,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

268. Whoever, in pulling down or repairing any building, knowingly or negligently omits to take such order with that building as is sufficient to guard against any probable danger to human life from the fall of that building or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

269. Whoever knowingly or negligently omits

Negligent conduct with respect to animal to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

270. Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred rupees.

271. Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

272. Whoever sells or distributes, imports or prints for sale or hire, or wilfully exhibits to public view, any obscene book, pamphlet, paper, drawing, painting, representation or figure, or attempts, or offers so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Exception.—This section does not extend to any representation sculptured, engraved, painted or otherwise represented, on or in any temple, or on any car

used for the conveyance of idols, or kept or used for any religious purpose

273 Whoever has in his possession any such obscene book or other thing as is mentioned in the last preceding section for the purpose of sale, distribution or public exhibition shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both

274 Whoever, to the annoyance of others
Obscene acts and songs (a) does any obscene act in any public place, or

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place,
shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both

275 Whoever keeps any office or place for the purpose of drawing any lottery not authorised by the Darbar shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both

And whoever publishes any proposal to pay any sum or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery shall be punished with fine which may extend to one thousand rupces

276 Whoever lends or lets out his house or that Lending or letting of another person acting on his behalf, out house to be used as a brothel intending, knowing or having reason to believe that it will be used as a brothel or allows it to be used as a brothel knowing or having reason to believe that it is so used, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both

277. Whoever opens or continues a brothel shall Opening or continuing a brothel be punished with imprisonment of either description for a term which may extend to one year and with fine not exceeding Rs. 200.

CHAPTER XV

OF OFFENCES RELATING TO RELIGION.

278. Whoever destroys, damages or defiles any Injuring or defiling place of worship, or any object held sacred by any class of persons with the intent to insult the religion of any class intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

279. Whoever voluntarily causes disturbance to Disturbing religious assembly any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment

of either description for a term which may extend to one year, or with fine, or with both

280 Whoever, with the intention of wounding the
Trespassing on feelings of any person, or of insulting burial-place etc the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby,

commits any trespass in any place of worship or any place of sepulture or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies,

shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

281 Whoever, with deliberate intention of wound-
Uttering words etc with deliberate intent to wound religious feeling ing the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both

282 Whoever attempts to kill or causes serious
Attempting to kill or causing serious bodily injury to a cow or ox bodily injury to a cow or ox shall be punished with imprisonment of either description which may extend to seven years or with fine or with both

283 Whoever intentionally kills a cow or ox shall intentionally kill. be punished with imprisonment of either in a cow or ox description which may extend to ten years and shall also be liable to fine

284 Whoever imports beef into any part of Jaipur territory or buys or sells beef Importing or selling beef within such territory, shall be punished within any part of Jaipur territory and with imprisonment of either description which may extend to one year or with fine which may extend to Rs. 200 or with both

285 Whoever intentionally kills a monkey, Intentionally kill. peacock or pigeon shall be punished with ing a monkey fine not exceeding fifty rupees. peacock or pigeon

286 Repealed vide P & J letter No. 361
dated the 7th January 1931. J.4-22

Castrating an or

CHAPTER XVI.

OF OFFENCES AFFECTING THE HUMAN BODY.

Of Offences affecting Life.

287. Whoever causes death by doing an act with Culpable homicide the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Illustrations

(a) A lays sticks and turf over a pit, with the

intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.

(b) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause, Z's death induces B to fire at the bush; B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

(c) A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush; A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B, or cause death by doing an act that he knew was likely to cause death.

Explanation 1—A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that order, shall be deemed to have caused his death.

Explanation 2—Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3—The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

288. Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or—

1stly.—If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—

2ndly.—If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—

3rdly.—If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid

Illustrations

(a) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

(b) A, knowing that Z is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of

murder, if he did not intend to cause death or such bodily injury as in the ordinary course of nature would cause death

(c) A intentionally gives Z a sword cut or club-wound sufficient to cause the death of a man in the ordinary course of nature Z dies in consequence. Here A is guilty of murder, although he may not have intended to cause Z's death

(d) A without any excuse fires a loaded cannon into a crowd of persons and kills one of them A is guilty of murder, although he may not have had a premeditated design to kill any particular individual

Exception 1—Culpable homicide is not murder if
When culpable homicide is not murder the offender, whilst deprived of the power of self control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident

The above exception is subject to the following provisions—

First—That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person

Secondly—That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant

Thirdly—That the provocation is not given by anything done in the lawful exercise of the right of private defence.

Explanation.—Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact.

Illustrations.

(a) A, under the influence of passion excited by provocation given by Z, intentionally kills Y, Z's child. This is murder, inasmuch as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(b) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.

(c) A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest, and kills Z. This is murder, inasmuch as the provocation was given by a thing done by a public servant in the exercise of his powers.

(d) A appears as a witness before Z, a Magistrate. Z says that he does not believe a word of A's deposition, and that A has perjured himself. A is moved to sudden passion by these words, and kills Z. This is murder.

(e) A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, inasmuch as the provocation was given by a thing done in the exercise of the right of private defence.

(f) Z strikes B. B is by this provocation excited to violent rage. A, a bystander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with

the knife Here B may have committed only culpable homicide, but A is guilty of murder.

Exceptions 2—Culpable homicide is not murder if the offender, in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence

Illustration.

Z attempts to horsewhip A, not in such a manner as to cause grievous hurt to A A, draws out a pistol Z persists in the assault A believing in good faith that he can by no other means prevent himself from being horsewhipped, shoots Z dead A has not committed murder, but only culpable homicide

Exception 3—Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused

Exception 4—Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offenders having taken undue advantage or acted in a cruel or unusual manner.

Explanation—It is immaterial in such cases

which party offers the provocation or commits the first assault.

Exception 5—Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent

Illustration.

A, by instigation, voluntarily causes Z, a person under eighteen years of age, to commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death, A has therefore abetted murder.

289. If a person, by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person, whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

290. Whoever commits murder shall be punished with death, or imprisonment for life, and shall also be liable to fine

291. Whoever, being under sentence of imprisonment for life, commits murder, shall be punished with death

292. Whoever commits culpable homicide not

Punishment for culpable homicide amounting to murder shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death.

or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death or to cause such bodily injury as is likely to cause death

293 Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

294 If any person under eighteen years of age, any insane person, any idiot or any person in a state of intoxication commits suicide, whoever abets the commission of such suicide shall be punished with death or imprisonment for a term not exceeding fourteen years and shall also be liable to fine

295 If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either

description for a term which may extend to ten years, and shall also be liable to fine

296. Whoever does any act with such intention or attempt to knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for term which may extend to ten years, and shall also be liable to fine; and, if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned

When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death.

Illustrations.

(a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued, A would be guilty of murder. A is liable to punishment under this section.

(b) A with the intention of causing the death of a child of tender years exposes it in a desert place. A has committed the offence defined by this section, though the death of the child does not ensue

(c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section, and, if by such firing he wounds Z, he is liable to the punishment provided by the latter part of the first paragraph of this section

(d) A, intending to murder Z, by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence in

this section A places the food on Z's table or delivers it to Z's servants to place it on Z's table. A has committed the offence defined in this section

297 Whoever does any act with such intention or Attempt to commit homicide knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both, and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both

Illustration

A on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death he would be guilty of culpable homicide not amounting to murder A has committed the offence defined in this section.

298 Whoever attempts to commit suicide and Attempt to commit suicide does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both

299 Whoever, at any time after the passing of this Act, shall have been habitually Thug associated with any other or others for the purpose of committing robbery or child-stealing by means of or accompanied with murder, is a thug

300 Whoever is a thug shall be punished with

Imprisonment for life, and shall also be liable to fine

Of the Causing of Miscarriage, of Injuries to unborn Children of the Exposure of Infants, and of the Concealment of Births.

301. Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine

Explanation.—A woman who causes herself to miscarry, is within the meaning of this section.

302. Whoever commits the offence defined in the last preceding section without the consent of the woman, whether the woman is quick with child or not, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine

303. Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine ;

and if the act is done without the consent of the
If done with-
out woman's con-
sent woman, shall be punished with imprison-
 ment which may extend to fourteen
 years and shall also be liable to fine

Explanation--It is not essential to this offence that
 the offender should know that the act is likely to cause
 death

304 Whoever before the birth of any child does
Act done with
intent to prevent
child being born
alive or to cause
it to die after
birth any act with the intention of thereby
 preventing that child from being born
 alive or causing it to die after its birth,
 and does by such act prevent that child
 from being born alive, or causes it to die after its birth,
 shall, if such act be not caused in good faith for the
 purpose of saving the life of the mother, be punished
 with imprisonment of either description for a term
 which may extend to ten years, or with fine, or with both.

305 Whoever does any act under such circum-
Causing death of
quick unborn child
by act amounting
to culpable homi-
cide stances, that if he thereby caused death
 he would be guilty of culpable homi-
 cide, and does by such act cause the
 death of a quick unborn child, shall be punished with
 imprisonment of either description for a term which
 may extend to ten years, and shall also be liable to fine

Illustration

A, knowing that he is likely to cause the death of a
 pregnant woman, does an act which, if it caused the
 death of the woman, would amount to culpable homi-
 cide. The woman is injured but does not die; but the
 death of an unborn quick child with which she is

pregnant is thereby caused. A is guilty of the offence defined in this section.

306. Whoever being the father or mother of a ^{Exposure} and child under the age of twelve years, or ^{abandonment of} ^{child under twelve} having the care of such child, shall ^{years, by parent or} ^{person having care} ^{of it} expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation.—This section is not intended to prevent the trial of the offender for murder or culpable homicide, as the case may be, if the child die in consequence of the exposure.

307. Whoever, by secretly burying or otherwise ^{Concealment of} ^{disposal of dead} ^{body.} disposing of the dead body of a child ^{whether such child die before or after} ^{or during its birth,} intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

Of Hurt.

308. Whoever causes bodily pain, disease or in- ^{Hurt} firmity to any person is said to cause hurt.

309. The following kinds of hurt only are designat- ^{Grievous hurt} ed as "grievous":—

First—Emasculation.

Secondly.—Permanent privation of the sight of either eye

Thirdly—Permanent privation of the hearing of either ear.

Fourthly—Privation of any member or joint

Fifthly—Destruction or permanent impairing of the powers of any member or joint

Sixthly—Permanent disfigurement of the head or face.

Seventhly—Fracture or dislocation of a bone or tooth

Eighthly—Any hurt which endangers life or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuit

310 Whoever does any act with the intention of voluntarily causing thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person is said, "voluntarily to cause hurt"

311 Whoever voluntarily causes hurt, if the voluntarily causes hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt"

Explanation—A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing himself

to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration.

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.

✓ 312. Whoever, except in the case provided for by Punishment for section 323, voluntarily causes hurt, voluntarily causing hurt shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

313. Whoever, except in the case provided for by section 323 voluntarily causes hurt Voluntarily causing hurt by dangerous weapons or means by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

✓ 314. Whoever, except in the case provided for by section 324, voluntarily causes Punishment for voluntarily causing grievous hurt, shall be punished with

imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

315 Whoever, except in the case provided for by section 324, voluntarily causes grievous hurt by means of any instrument or by means of any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

316 Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the property, or to constrain to an illegal act a sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

317 Whoever administers to or causes to be taken by any person any poison or any substance of poison, etc., with intent to perjury, intoxicating or unwholesome drug, or other thing with intent to cause

hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

318. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer
Voluntarily causing grievous hurt to extort property or to constrain to an illegal act or from any person interested in the sufferer any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything that is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine

319. Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer
Voluntarily causing hurt to extort confession or to compel restoration of property or from any person interested, in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Illustrations

(a) A, a police officer, tortures Z in order to induce Z to confess that he committed a crime A is guilty of an offence under this section

(b) A, a police officer, tortures B to induce him to point out where certain stolen property is deposited A is guilty of an offence under this section.

(c) A, a revenue officer, tortures Z in order to compel him to pay certain arrears of revenue due from Z. A is guilty of an offence under this section

(d) A, a zamindar, tortures a raiyat in order to compel him to pay his rent A is guilty of an offence under this section

320 Whoever voluntarily causes grievous hurt
 Voluntarily causing Grievous hurt for the purpose of extorting from the
 to extort confession or to compel the sufferer or any person interested in
 restoration of property the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine

321 Whoever voluntarily causes hurt to any
 Voluntarily causing hurt to deter public servant from his duty person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or

deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

322. Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

323. Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both

324. Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than

the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to four years, or with fine which may extend to ten thousand rupees, or with both.

Explanation—The last two sections are subject to the same provisos as Exception 1, section 280.

325 Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.

326 Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

327. Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Of Wrongful Restraint and Wrongful Confinement

328 Whoever voluntarily obstructs any person,

Wrongful restraint so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Exception.—The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

Illustration.

A obstructs a path along which Z has a right to pass, A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z

329 Whoever wrongfully restrains any person in Wrongful confine. such a manner as to prevent that person ment from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.

Illustrations.

(a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

330. Whoever wrongfully restrains any person, Punishment for shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

331. Whoever wrongfully confines any person,
Punishment for wrongful confinement shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both

332. Whoever wrongfully confines any person for
Wrongful confinement for three or more days three days or more, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

333. Whoever wrongfully confines any person for
Wrongful confinement for ten or more days ten days, or more, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine

334. Whoever keeps any person in wrongful
Wrongful confinement of person for whose liberation writ has been issued confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any term of imprisonment to which he may be liable under any other section of this Chapter.

335. Whoever wrongfully confines any person in
Wrongful confinement in secret such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as herein before

mentioned, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any other punishment to which he may be liable for such wrongful confinement.

336. Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security, or of constraining the person confined or any person interested in such person to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

337. Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

First.—By his own bodily power

Secondly—By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person.

Thirdly—By inducing any animal to move, to change its motion, or to cease to move

339 Whoever intentionally uses force to any
- animal force person, without that person's consent, in
 order to the committing of any offence,
or intending by the use of such force to cause knowing
it to be likely that by the use of such force he will
cause injury, fear or annoyance to the person to whom
the force is used, is said to use criminal force to that
other.

Illustrations.

(a) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. A has therefore intentionally used force to Z, and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z.

(b) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z, and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, A has used criminal force to Z.

(c) Z is riding in a palanquin. A, intending to rob Z, seizes the pole, and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally, without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(d) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, he has used criminal force to Z.

(e) A throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact

to his gestures or preparations such a meaning as may make those gestures or preparations amount to an assault.

Illustrations

(a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(b) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely, that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(c) A takes up a stick, saying to Z, "I will give you a beating." Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

341. Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Explanation—Grave and sudden provocation will not mitigate the punishment for an offence under this section, if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence, or if the provocation is given by anything done in obedience to the law, or by a public servant, in the

lawful exercise of the powers of such public servant, or if the provocation is given by anything done in the lawful exercise of the right of private defence

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

342 Whoever assaults or uses criminal force to

any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his

duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

343. Whoever assaults or uses criminal force to any

woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished

with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

344 Whoever assaults or uses criminal force to

any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for

a term which may extend to two years, or with fine, or with both.

345. Whoever assaults or uses criminal force to any person in attempting to commit theft on any property which that person is then wearing or carrying shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

346. Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

347. Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both.

Explanation—The last section is subject to the same explanation as section 341.

Of Kidnapping, Abduction, Slavery and Forced Labour.

348. Kidnapping is of two kinds ; kidnapping from Jaipur territory and kidnapping from lawful guardianship

349 Whoever conveys any person beyond the limits of Jaipur territory without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Jaipur territory.

350 Whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

Explanation—The words "lawful guardian" in this section include any person lawfully entrusted with the care or custody of such minor or other person.

Exception—This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

351 Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

352 Whoever kidnaps any person from Jaipur territory or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

353. Whoever kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with rigorous imprisonment for a term which may extend to fourteen years, and shall be liable to fine

Kidnapping or abducting in order to murder

Illustrations.

(a) A kidnaps Z from Jaipur territory, intending or knowing it to be likely that Z may be sacrificed to an idol, A has committed the offence defined in this section.

(b) A forcibly carries or entices B away from his home in order that B may be murdered, A has committed the offence defined in this section.

354. Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine

Kidnapping or abducting with intent secretly and wrongfully to confine person

355. Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

Kidnapping or abducting woman to compel her marriage etc.

and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

355(a) Whoever by any means whatsoever, induces
Procuration of any minor girl under the age of eighteen
 minor girl years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine

355(b) Whoever imports into Jaipur territory from
Importation of any place outside Jaipur territory any
 girl from outside
 Jaipur territory girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine

356 Whoever kidnaps or abducts any person in
Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such

person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

357. Whoever, knowing that any person has been kidnapped or has been abducted, entices, Wrongfully conceals wrongfully conceals or confines or keeps ling or Keeping in confinement confined or keeps Kidnapped or abducted in his custody, such person, shall be person punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement

358. Whoever kidnaps or abducts any child under the age of ten years with the intention of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Kidnapping or abducting child under ten years with intent to steal from its person

359. Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or Buying or disposing of any person as a slave accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

360. Whoever habitually imports, exports, removes,

Habitual dealing in slaves buys, sells, traffics or deals in slaves shall be punished with imprisonment of either description for a term not exceeding fourteen years, and shall also be liable to fine

361 Whoever sells, lets to hire, or otherwise disposes of any minor under the age of eighteen years with intent that such minor shall be employed or used for the purpose of prostitution or for any unlawful and immoral purpose or knowing it to be likely that such minor will be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine

362 Whoever buys, hires or otherwise obtains possession of any minor under the age of eighteen years with intent that such minor shall be employed or used for the purpose of prostitution, or for any unlawful and immoral purpose, or knowing it to be likely that such minor will be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine

363 Whoever unlawfully compels any person to Unlawful compul. labour against the will of that person, or to any labour shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both

Of Rape.

✓ 364. A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions:—

First.—Against her will

Secondly —Without her consent

Thirdly —With her consent, when consent has been obtained by putting her in fear of death, or of hurt.

Fourthly.—With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly.—With or without her consent, when she is under twelve years of age

Explanation —Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape

Exception —Sexual intercourse by a man with his own wife, the wife not being under twelve years of age, is not rape.

✓ 365. Whoever commits rape shall be punished with Punishment for imprisonment of either description for a term which may extend to fourteen years and shall also be liable to fine.

Of Unnatural Offences

✓ 366. Whoever voluntarily has carnal intercourse

Unnatural offences against the order of nature with any man, woman or animal, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine

Explanation —Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section

CHAPTER XVII

OF OFFENCE AGAINST PROPERTY

Of Theft

367 Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft

Explanation 1 —A thing so long as it is attached to the earth, not being movable property, is not the subject of theft, but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2 —A moving effected by the same act which effects the severance may be a theft

Explanation 3 —A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing, as well as by actually moving it

Explanation 4 —A person, who by any means causes an animal to move, is said to move that animal,

and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5—The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations.

(a) A cuts down a tree on Z's ground with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here as soon as A has severed the tree in order to such taking, he has committed theft.

(b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(d) A being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.

(e) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

(f) A finds a ring belonging to Z on a table in the

house which Z occupies. Here the ring is in Z's possession and if A dishonestly removes it, A commits theft.

(g) A finds a ring lying on the high-road, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property.

(h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(i) A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.

(j) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession, with the intention of depriving Z of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(k) Again, if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he borrowed on the watch, he commits theft, inasmuch as the watch is his own property, inasmuch as he takes it dishonestly.

(l) A takes an article belonging to Z out of Z's possession without Z's consent, with the intention of

keeping it until he obtains money from Z as a reward for its restoration. Here A takes dishonestly; A has therefore committed theft

(m) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(n) A asks charity from Z's wife. She gives A money, food and cloths, which A knows to belong to Z, her husband. Here it is probable that A may conceive that Z's wife is authorised to give away alms. If this was A's impression, A has not committed theft.

(o) A is the paramour of Z's wife. She gives A valuable property which A knows to belong to her husband Z, and to be such property as she has not authority from Z to give. If A takes the property dishonestly, he commits theft.

(p) A, in good faith, believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take dishonestly, he does not commit theft.

368 Whoever commits theft shall be punished with Punishment for imprisonment of either description for a theft term which may extend to three years, or with fine, or with both

369 Whoever commits theft in any building, tent Theft in dwelling- or vessel, which building, tent or vessel house etc. is used as a human dwelling, or used for the custody of property, shall be punished with

Illustrations

(a) A commits theft on property in Z's possession: and, while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting Z, in case Z should resist. A has committed the offence defined in this section.

(b) A picks Z's pocket, having posted several of his companions near him, in order that they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this section.

Of Extortion.

§ 372. Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security or anything signed or sealed which may be converted into a valuable security, commits "extortion."

Extortion

Illustrations

(a) A threatens to publish a defamatory libel concerning Z, unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(b) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain money to A. Z signs and delivers the note. A has committed extortion.

(c) A threatens to send clubmen to plough up Z's field unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

(d) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security and A has committed extortion.

§ 373. Whoever commits extortion, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for extortion

374. Whoever, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear, of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

375. Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

376. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

377. Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with imprisonment for a term which may extend to fourteen years or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, and,

if the offence be one punishable under section 366 of this Code, may be punished with imprisonment for life

378. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation, against that person or any other, of having committed or attempted to commit an offence punishable with death or with imprisonment for a term which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine: and, if the offence be punishable under section 366 of this Code, may be punished with imprisonment for life.

Of Robbery and Dacoity.

379. In all robbery there is either theft or extortion.

Theft is "robbery" if, in order to the committing of theft, the offender, in carrying away or attempting to carry away property obtained by the theft, the offender, for any purpose, voluntarily causes, or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death or of instant hurt, or of instant wrongful restraint.

Extortion is "robbery" if the offender at the time of committing the extortion, is in the presence of the person put in fear, and

commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint that person, or to some other person, and, by so putting in fear, induces the person so put in fear then and thereto deliver up the thing extorted.

Explanation—The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint

Illustrations

(a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.

(b) A meets Z on the high-road, shows a pistol, and demands Z's purse. Z, in consequence, surrenders his purse. Here A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.

(c) A meets Z and Z's child on the high-road. A takes the child, and threatens to fling it down a precipice, unless Z delivers his purse. Z, in consequence, delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.

(d) A obtains property from Z by saying—"Your child is in the hands of my gang, and will be put to death unless you send us ten thousand rupees." This is extortion, and punishable as such, but is not robbery, unless Z is put in fear of the instant death of his child.

✓380. When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding, is said to commit "dacoity."

✓381 Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to a fine; and, if the robbery be committed on the high-way between sunset and sunrise, the imprisonment may be extended to fourteen years

382. Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

✓383. If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

✓384 Whoever commits dacoity shall be punished with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine

385. If any one of five or more persons, who are
 Dacoity with murder conjointly committing dacoity, commit-
 murder in so committing dacoity, every
 one of those persons shall be punished with death, or
 rigorous imprisonment for a term which may extend to
 fourteen years, and shall also be liable to fine

386. If, at the time of committing robbery or
 Robbery or daco- dacoity, the offender uses any deadly
 ity with attempt weapon, or causes grievous hurt to any
 to cause death or person, or attempts to cause death or
 grievous hurt grievous hurt to any person, the imprisonment with
 which such offender shall be punished shall not be less
 than seven years.

387. If, at the time of attempting to commit robbery
 Attempt to com or dacoity, the offender is armed with
 mit robbery or any deadly weapon, the imprisonment
 dacoity when arma- with which such offender shall be punish-
 ed with deadly ed shall not be less than seven years
 weapon

388. Whoever makes any preparation for commit-
 Making prepara- ting dacoity, shall be punished with rig-
 tion to commit rous imprisonment for a term which may
 dacoity extend to ten years, and shall also be
 liable to fine

389. Whoever, at any time after the passing of this
 Act, shall belong to a gang of persons
 Punishment for belonging to gang associated for the purpose of habitually
 of dacoity committing dacoity, shall be punished
 with rigorous imprisonment for a term which may ex-
 tend to fourteen years, and shall also be liable to fine

390 Whoever, at any time after the passing of this Act, shall belong to any wandering or other gang of persons associated for the purpose of habitually committing theft or robbery, and not being a gang of thugs or dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

391 Whoever, at any time after the passing of this Act, shall be one of five or more persons assembled for the purpose of committing dacoity, shall be punished with rigorous imprisonment for a term of which may extend to seven years, and shall also be liable to fine.

Of Criminal Misappropriation of Property.

392 Whoever dishonestly misappropriates or converts to his own use any movable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

Illustrations

(a) A takes property belonging to Z out of Z's possession in good faith, believing at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

(b) A, being on friendly terms with Z goes into Z's library in Z's absence, and takes away a book without

Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But, if A afterwards sells the book for his own benefit, he is guilty of an offence under this section.

(c) A and B being joint owners of a horse A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not dishonestly misappropriate it. But if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

Explanation 1 —A dishonest misappropriation for a time only is a misappropriation within the meaning of this section.

Illustration

A finds a Government promissory note belonging to Z, bearing a blank endorsement. A, knowing that the note belongs to Z, pledges it with a banker as a security for a loan, intending at a future time to restore it to Z. A has committed an offence under this section.

Explanation 2 —A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it ; it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believes that the real owner cannot be found.

Illustrations.

(a) A finds a rupee on the high-road, not knowing to whom the rupee belongs. A picks up the rupee. Here A has not committed the offence defined in this section.

(b) A finds a letter on the road, containing a bank-note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.

(c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person who has drawn the cheque appears. A knows that this person can direct him to the person in whose favour the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.

(d) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this section.

(e) A finds a purse with money, not knowing to whom it belongs, he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this section.

(f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this section.

393 Whoever dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and, if the offender at the time of such person's decease was employed by him as a clerk or servant, the imprisonment may extend to seven years.

Illustration

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it. A has committed the offence defined in this section.

Of Criminal Breach of Trust

394. Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract,

express or implied, which he has made touching the discharge of such trust, or willfully suffers any other person so to do, commits "criminal breach of trust."

Illustrations

(a) A, being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriate them to his own use. A has committed criminal breach of trust.

(b) A is a warehouse-keeper. Z, going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse room. A dishonestly sells the goods. A has committed criminal breach of trust.

(c) A, residing in Jaipur, is agent for Z residing at Delhi. There is an express or implied contract between A and Z, that all sums remitted by Z to A shall be invested by A, according to Z's direction. Z remits a lakh of rupees to A, with directions to A to invest the same in house property. A dishonestly disobeys the directions and employs the money in his own business. A has committed criminal breach of trust.

(d) But if A, in the last illustration, not dishonestly but in good faith, believing that it will be more for Z's advantage to hold shares in the Imperial Bank, disobeys Z's direction, and buys shares in that Bank for Z, instead of buying house property, here, though Z should suffer loss, and should be entitled to bring a civil action against A, on account of that loss, yet A not having acted dishonestly, has not committed criminal breach of trust.

(e) A, a Revenue officer, is entrusted with public money and is either directed by law, or bound by a contract, express or implied, with the Darbar, to pay into a certain treasury all the public money which he holds. A

dishonestly appropriates the money. A has committed criminal breach of trust

(f) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed criminal breach of trust.

395. Whoever commits criminal breach of trust Punishment for criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both

396. Whoever, being entrusted with property as Criminal breach of trust by carrier, wharfinger or warehouse-keeper, etc. a carrier, wharfinger or warehouse-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine

397. Whoever, being a clerk or servant or employed Criminal breach of trust by clerk or servant as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine

398. Whoever, being in any manner entrusted Criminal breach of trust by public servant or by banker, merchant or agent with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in

respect of that property, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Of the Receiving of Stolen Property

✓ 399. Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as "stolen property" (whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without Jaipur territory) But, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

✓ 400. Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

401. Whoever dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity, or dishonestly receives from a person, whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property

which he knows or has reason to believe to have been stolen shall be punished with rigorous imprisonment for a term which may extend to fourteen years and shall also be liable to fine

402 Habitually dealing in stolen property Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine

403 Assisting in concealment of stolen property Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both

Of Cheating.

404 Cheating Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act of omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to 'cheat'

Explanation—A dishonest concealment of facts is a deception within the meaning of this section

Illustrations.

(a) A, by falsely pretending to be in the Police Service, intentionally deceives Z, and thus dishonestly induces Z to let him have on credit goods for which he does not mean to pay. A cheats.

(b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer and thus dishonestly induces Z to buy and pay for the article. A cheats.

(c) A, by exhibiting to Z a false sample of an article, intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.

(d) A, by tendering in payment for an article a bill on a house with which A keeps no money, and by which A expects that the bill will be dishonoured, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats.

(e) A, by pledging as diamond's articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly induces Z to lend money. A cheats.

(f) A intentionally deceives Z into a belief that A means to repay any money that Z may lend to him and thereby dishonestly induces Z to lend him money, A not intending to repay it. A cheats.

(g) A intentionally deceives Z into a belief that A means to deliver, to Z a certain quantity of indigo plant which he does not intend to deliver, and, thereby dishonestly induces Z to advance money upon the faith of such delivery. A cheats, but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it,

he does not cheat, but is liable only to a civil action for breach of contract.

(h) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z which he has not performed, and thereby dishonestly induces Z to pay money A cheats

(i) A sells and conveys an estate to B A, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z, without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z A cheats

Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates, he was bound either by law, or by a legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both

408. Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for cheating by personation

409. Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or any thing which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine

Cheating and dishonestly inducing delivery of property

Of Fraudulent Deeds and Dispositions of Property

410. Whoever dishonestly or fraudulently removes, conceals or delivers to any person, or transfers or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that

Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors

property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both

411 Whoever dishonestly or fraudulently prevents
Dishonestly or fraudulently preventing debt being available for creditors any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

412 Whoever dishonestly or fraudulently signs, executes or becomes a party to any deed
Dishonest or fraudulent execution of deed of transfer containing false statement of consideration or instrument which purports to transfer or subject to any charge, any property, or any interest therein, and which contains any false statement relating to the consideration for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

413 Whoever dishonestly or fraudulently conceals
Dishonest or fraudulent removal or concealment of property or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled, shall be punished with

imprisonment of either description for a term which extend to two years, or with fine, or with both

Of Mischief

✓414 Whoever, with intent to cause, or knowing
 mischief that he is likely to cause, wrongful loss
 or damage to the public or to any person,
 causes the destruction of any property, or any such
 change in any property or in the situation thereof as
 destroys or diminishes its value or utility, or affects it
 injuriously, commits "mischief."

Explanation 1.—It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property whether it belongs to that person or not.

Explanation 2.—Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

Illustrations.

(a) A voluntarily burns a valuable security belonging to Z intending to cause wrongful loss to Z. A has committed mischief.

(b) A introduces water into an ice-house belonging to Z, and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.

(c) A voluntarily throws into a river a ring belonging to Z, with the intention of thereby causing wrongful loss to Z. A has committed mischief.

(d) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z. A has committed mischief.

(e) A, having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the underwriters. A has committed mischief.

(f) A causes a ship to be cast away, intending thereby to cause damage to Z who has lent money on bottomry on the ship. A has committed mischief.

(g) A, having joint property with Z, in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(h) A causes cattle to enter upon a field belonging to Z, intending to cause and knowing that he is likely to cause damage to Z's crop. A has committed mischief.

415 Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

416 Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

417 Whoever commits mischief by killing, poisoning, maiming or rendering useless any animal or animals of the value of ten rupees or upwards, shall be punished

with imprisonment of either description for a term which may extend to two years, or with fine or with both.

418. Whoever commits mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof, or any other animal of the value of fifty rupees or upwards shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

419. Whoever commits mischief by doing any act which causes or which he knows to be likely to cause a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

420. Whoever commits mischief by doing any act which renders or which he knows to be likely to render any public road, bridge, navigable river or navigable channel, natural or artificial, impassable or less safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years or with fine, or with both.

421. Whoever commits mischief by doing any act

Mischief by caus- which causes or which he knows to be
 ing inundation or likely to cause an inundation or an obs-
 obstruction to truction to any public drainage attended
 public drainage with injury or damage, shall be punished
 attended with damage with imprisonment of either description
 for a term which may extend to five years, or with fine,
 or with both

422. Whoever commits mischief by destroying or
 moving any land-mark fixed by the
 authority of a public servant, or by any
 public act which renders such land-mark less
 useful as such, shall be punished with
 imprisonment of either description for a term which
 may extend to one year, or with fine, or with both

423. Whoever commits mischief by fire or any
 explosive substance, intending to cause,
 or knowing it to be likely that he will
 thereby cause, damage to any property
 to amount of one hundred or (in the amount of one hundred rupees or
 case of agricultural produce ten upwards or (where the property is agri-
 cultural produce) ten rupees or upwards,
 shall be punished with imprisonment of either descrip-
 tion for a term which may extend to seven years, and
 shall also be liable to fine

424. Whoever commits mischief by fire or any
 explosive substance, intending to cause,
 or knowing it to be likely that he will
 thereby cause, the destruction of any
 building which is ordinarily used as a

place of worship or as a human dwelling or as a place for the custody of property, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

425 Whoever commits mischief, having made mischief committed after preparation made for causing death or hurt death or hurt preparation for causing death or hurt fear of death, or of hurt, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Of Criminal Trespass.

✓ 426. Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property,

or, having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, is said to commit "criminal trespass."

427 Whoever commits criminal trespass by entering into or remaining in any building, tent or boat used as a human dwelling, or any building used as a place for worship, or as a place for the custody of property, is said to commit "house-trespass."

Explanation.—The introduction of any part of the

criminal trespasser's body is entering sufficient to constitute house-trespass

428. Whoever commits house trespass, having
Lurking house-
trespass taken precautions to conceal such house-
trespass from some person who has a
right to exclude or eject the trespasser from the building,
tent or boat which is the subject of the trespass, is said
to commit "Lurking house trespass"

429. Whoever commits lurking house trespass after
Lurking house-
trespass sunset and before sunrise, is said to commit
trespass by night "lurking house-trespass by night"

430. A person is said to commit "house breaking"
House breaking who commits house trespass if he affects
his entrance into the house or any part
of it in any of the six ways hereinafter described, or
if, being in the house or any part of it for the purpose
of committing an offence, or having committed an offence
therein he quits the house or any part of it in any
of such six ways, that is to say, —

First—If he enters or quits through a passage
made by himself, or by any abettor of the
house-trespass, in order to the committing of the
house-trespass

Secondly.—If he enters or quits through any pass-
age not intended by any person, other than
himself or an abettor of the offence, for human
entrance; or through any passage to which he
has obtained access by scaling or climbing over
any wall or building.

Thirdly.—If he enters or quits through any passage which he or any abettor of the house-trespass has opened, in order to the committing of the house-trespass by any means by which that passage was not intended by the occupier of the house to be opened.

Fourthly.—If he enters or quits by opening any lock in order to the committing of the house-trespass, or in order to the quitting of the house after a house-trespass.

Fifthly.—If he effects his entrance or departure by using criminal force or committing an assault, or by threatening any person with assault

Sixthly.—If he enters or quits, by any passage which he knows to have been fastened against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass.

Explanation.—Any out-house or building occupied with a house, and between which and such house there is an immediate internal communication, is part of the house within the meaning of this section.

Illustrations.

(a) A commits house-trespass by making a hole through the wall of Z's house, and putting his hand through the aperture. This is house breaking.

(b) A commits house-trespass by creeping into a ship at a port hole between decks. This is house-breaking.

(c) A commits house-trespass by entering Z's house through a window. This is house-breaking.

(d) A commits house-trespass by entering Z's house through the door, having opened a door which was fastened. This is house-breaking.

(e) A commits house-trespass by entering Z's house through the door, having lifted a latch by putting a wire through a hole in the door. This is house-breaking.

(f) A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house-breaking.

(g) Z is standing in his doorway, A forces a passage by knocking Z down, and commits house-trespass by entering the house. This is house-breaking.

(h) Z, the door-keeper of Y, is standing in Y's doorway, A commits house-trespass by entering the house, having deterred Z from opposing him by threatening to beat him. This is house-breaking.

431. Whoever commits house-breaking after sunset
House-breaking by and before sunrise, is said to commit
night
"house-breaking by night."

432. Whoever commits criminal trespass shall be
Punishment for punished with imprisonment of either
criminal trespass description for a term which may extend
to three months, or with fine which may extend to five
hundred rupees, or with both.

433. Whoever commits house-trespass shall be
Punishment for punished with imprisonment of either
house trespass description for a term which may extend
to one year, or with fine which may extend to one
thousand rupees, or with both.

434. Whoever commits house-trespass in order to the committing of any offence punishable with death, shall be punished with rigorous imprisonment for a term not exceeding fourteen years, and shall also be liable to fine

435. Whoever commits house trespass in order to the committing of any offence punishable with imprisonment, for life, shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine

436. Whoever commits house-trespass in order to the committing of any offence punishable with imprisonment, not exceeding 14 years shall be punished with imprisonment of either description for a term which may extend to two years, and shall be liable to fine, and, if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years.

437. Whoever commits house-trespass, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person, in fear of hurt, or of assault, or of wrongful restraint shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine

439 Whoever commits lurking house-trespass or house-breaking, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine

440 Whoever commits lurking house-trespass or house-breaking, in order to the committing of any offence punishable with imprisonment not exceeding fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine, and, if the offence intended to be committed is theft, the term of the imprisonment may be extended to ten years

441 Whoever commits lurking house-trespass, or house-breaking, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person or for putting any person in fear of hurt or of assault or of wrongful restraint shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine

442 Whoever commits lurking house-trespass by night, or house-breaking by night, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

142 Whoever commits lurking house-trespass by night, or house-breaking by night, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and, if the offence intended to be committed is theft, the term of the imprisonment may be extended to fourteen years

143 Whoever commits lurking house-trespass by night, or house-breaking by night, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

144. Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine

145. If, at the time of the committing of lurking

All persons jointly
 concerned in lark-
 ing house tre-pas-
 or house breaking
 by night punish-
 able where death
 or grievous hurt
 caused by one of
 them

house-trespass by night or house-break-
 ing by night, any person guilty of such
 offence shall voluntarily cause or attempt
 to cause death or grievous hurt to
 any person, every person jointly
 concerned in committing such larking
 house-trespass by night or house-breaking by night,
 shall be punished with imprisonment of either descrip-
 tion for a term which may extend to fourteen years,
 and shall also be liable to fine

446 Whoever dishonestly or with intent to commit
 Dishonestly break mischief, breaks open or unfastens any
 ing open recep- closed receptacle which contains or
 tacle containing property
 property which he believes to contain property,
 shall be punished with imprisonment of either descrip-
 tion for a term which may extend to two years, or with
 fine, or with both

447 Whoever, being entrusted with any closed
 receptacle which contains or which he
 Punishment for believes to contain property, without
 same offence when committed by
 person entrusted having authority to open the same dis-
 with custody honestly, or with intent to commit
 mischief, breaks open or unfastens that receptacle,
 shall be punished with imprisonment of either descrip-
 tion for a term which may extend to three years, or
 with fine, or with both

CHAPTER XVIII

OF OFFENCES RELATING TO DOCUMENTS AND TO
TRADE OR PROPERTY MARKS.

✓448 Whoever makes any false document or part
 of a document, with intent to cause
 Forgery damage or injury to the public or to any
 person, or to support any claim of title, or to cause any
 person, to part with property, or to enter into any
 express or implied contract, or with intent to commit
 fraud or that fraud may be committed, commits forgery

449 A person is said to make a false document
 Making a false
 document

First.—Who dishonestly or fraudulently makes,
 signs, seals or executes a document or part
 of a document, or makes any mark denoting
 the execution of a document, with the
 intention of causing it to be believed that
 such document or part of a document was
 made, signed, sealed or executed by or by
 the authority of a person by whom or by
 whose authority he knows that it was not
 made, signed, sealed or executed, or at a
 time at which he knows that it was not
 made, signed, sealed or executed, or

Secondly.—Who, without lawful authority, dis-
 honestly or fraudulently, by cancellation or
 otherwise alters a document in any material
 part thereof, after it has been made or

executed either by himself or by any other person, whether such person be living or dead at the time of such alteration, or

Thirdly—Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him, he does not know the contents of the document or the nature of the alteration

Illustrations.

(a) A has a letter of credit upon B for rupees 10,000, written by Z A, in order to defraud B, adds a cipher to the 10,000 and makes the sum 1,00,000 intending that it may be believed by B that Z so wrote the letter. A has committed forgery

(b) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention of selling the estate to B, and thereby of obtaining from B the purchase-money. A has committed forgery

(c) A picks up a cheque on a banker, signed by B, payable to bearer, but without any sum having been inserted in the cheque, A fraudulently fills up the cheque by inserting the sum of ten thousand rupees. A commits forgery

(d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the sum payable and authorizes B, to fill up the cheque by inserting a sum not exceeding ten thousand rupees for the purpose of making certain payments. B fraudulently fills up the cheque

by inserting the sum of twenty thousand rupees. B commits forgery.

(e) A draws a bill of exchange on himself in the name of B without B's authority, intending to discount it as a genuine bill with a banker and intending to take up the bill on its maturity. Here, as A draws the bill with intent to deceive the banker by leading him to suppose that he had the security of B and thereby to discount the bill A is guilty of forgery.

(f) Z's will contains these words "I direct that all my remaining property be equally divided between A, B and C." A dishonestly scratches out B's name, intending that it may be believed that the whole was left to himself and C. A has committed forgery.

(g) A endorses a Government promissory note and makes it payable to Z or his order by writing on the bill the words "Pay to Z or his order" and signing the endorsement. B dishonestly erases the words "Pay to Z or his order," and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate executes a conveyance of the same estate to B dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(i) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z and, by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(j) A writes a letter and signs it with B's name without B's authority, certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain

alms from Z and other persons. Here as A made a false document in order to induce Z to part with property, A has committed forgery.

(h) A without B's authority writes a letter and signs it in B's name certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery, in as much as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an express or implied contract for service.

Explanation 1—A man's signature of his own name may amount to forgery.

Illustrations

(a) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. A has committed forgery.

(b) A writes the word "accepted" on a piece of paper and signs it with Z's name, in order that B may afterwards write on the paper a bill of exchange drawn by B upon Z, and negotiate the bill as though it had been accepted by Z. A is guilty of forgery, and if B, knowing the fact, draws the bill upon the paper pursuant, to A's intention, B is also guilty of forgery.

(c) A picks up a bill of exchange payable to the order of a different person of the same name. A endorses the bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable, here A has committed forgery.

(d) A purchases an estate sold under execution of a decree against B B, after the seizure of the estate in collusion with Z, executes a lease of the estate to Z at a nominal rent and for a long period, and dates the lease six months prior to the seizure, with intent to defraud A, and to cause it to be believed that the lease was granted

before the seizure. B, though he executes the lease in his own name, commits forgery by ante-dating it.

(c) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and with intent to defraud his creditors, and in order to give a colour to the transaction, writes a promissory note binding himself to pay to B a sum for value received, and ante dates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

Explanation 2 —The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

Illustration.

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. A commits forgery.

450. Whoever commits forgery shall be punished
 Punishment for forgery with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

451. Whoever forges a document, purporting to
 Forgery of record of Court or of public register, etc be a record or proceeding of or in a Court of Justice, or a register of birth, baptism, marriage or burial, or a register kept by a public servant as such or certificate or document purporting to be made by a public servant

in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine

452 Whoever forges a document, which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, moveable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any moveable property or valuable security, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine

453 Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine

454 Whoever commits forgery intending that the document forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with

imprisonment of either description for a term which may extend to three years, and shall also be liable to fine

455. A false document made wholly or in part by forgery is designated "a forged document."

456. Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document

457. Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under section 452 of this

Code, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine

458. Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this chapter other than section 452, or, with such intent, has in his possession

any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine

459 Whoever has in his possession any document, knowing the same to be forged, and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document is one of the description mentioned in section 45 of this Code, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine, and if the document is one of the description mentioned in section 152, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine

460 Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating any document described in section 452 of this Code, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who, with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either

description for a term which may extend to fourteen years, and shall also be liable to fine.

461. Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating any document other than the documents described in section 452 of this Code, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who, with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

462. Whoever fraudulently or dishonestly, or with intent to cause damage or injury to the public or to any person, cancels, destroys or defaces, or attempts to cancel, destroy or deface, or secretes or attempts to secrete any document which is or purports to be a will, or an authority to adopt a son, or any valuable security, or commits mischief in respect to such document, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

463. Whoever, being a clerk, officer or servant, or
 Falsification of employed or acting in the capacity of a
 account clerk, officer or servant, wilfully, and
 with intent to defraud, destroy, alters mutilates or
 falsifies any book, paper, writing, valuable security or
 account which belongs to or is in the possession of his
 employer, or has been received by him for or on behalf
 of his employer, or wilfully, and with intent to defraud,
 makes or abets the making of any false entry in, or
 omits or alters or abets the omission or alteration of any
 material particular from or in, any such book, paper,
 writing, valuable security or account, shall be punished
 with imprisonment of either description for a term which
 may extend to seven years, or with fine, or with both.

Explanation—It shall be sufficient in any charge
 under this section to allege a general intent to defraud
 without naming any particular person intended to be
 defrauded or specifying any particular sum of money
 intended to be the subject of the fraud, or any particular
 day on which the offence was committed

Of Trade Property and Other Marks.

464. A mark used for denoting that goods are the
 Trade mark manufacture or merchandise of a parti-
 cular person is called a trade mark

465. A mark used for denoting that movable
 Property mark property belongs to a particular person
 is called a property mark.

466. Whoever marks any goods or any case,

Using a false package, or other receptacle containing trade mark goods or uses any case, package or other receptacle with any mark thereon, in a manner reasonably calculated to cause it to be believed that the goods so marked, or any goods contained in any such receptacle so marked are the manufacture or merchandise of a person whose manufacture or merchandise they are not, is said to use a false trade mark.

467. Whoever marks any movable property or Using a false mo- goods or any case, package or other property mark receptacle containing movable property or goods, or uses any case, package or other receptacle having any mark thereon, in a manner reasonably calculated to cause it to be believed that the property or goods so marked, or any property or goods contained in any such receptacle so marked, belong to a person to whom they do not belong, is said to use a false property mark.

468. Whoever uses any false trade mark or any Punishment for false property mark shall, unless he using a false trade mark or property mark proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

469. Whoever counterfeits any trade mark or Counterfeiting a property mark used by any other person trade mark or property mark used by another shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

470 Whoever counterfeits any property mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the property is of a particular quality or has passed through a particular office, or that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine

471 Whoever makes or has in his possession any die, plate or other instrument for the purpose of counterfeiting a trade mark or property mark, or has in his possession a trade mark or property mark for the purpose of denoting that any goods are the manufacture or merchandise of a person whose manufacture or merchandise they are not, or that they belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both

472. Whoever sells, or exposes, or has in possession for sale or any purpose of trade or manufacture, any goods or thing with a counterfeit trade mark or property mark affixed to or impressed upon the

same or to or upon any case, package or other receptacle in which such goods are contained, shall, unless he proves—

- (a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the mark, and
- (b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things, or
- (c) that otherwise he had acted innocently, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both

473. Whoever makes any false mark upon any case, package or other receptacle containing goods, in a manner reasonably calculated to cause any public servant or any other person to believe that such receptacle contains goods which it does not contain or that it does not contain goods which it does contain, or that the goods contained in such receptacle are of a nature or quality different from the real nature or quality thereof, shall, unless he proves that he acted without intent to defraud, be punished with imprison-

or Sovereign Power, and intended to be used as equivalent to, or as a substitute for money.

477. Whoever sells to, or buys or receives from, Using as genuine any other person, or otherwise traffics in forged or counterfeit currency-note or bank-note or uses as genuine, any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine

478. Whoever has in his possession any forged or Possession of forged or counterfeit currency-note or bank-note counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

479. Whoever makes, or performs any part of the Making or possessing instruments or materials for forging or counterfeiting currency notes or bank-notes process of making, or buys or sells or disposes of, or has in his possession, any machinery, instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any currency-note or bank-note, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

CHAPTER XIX

OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

480 Whoever, being bound by a lawful contract to render his personal service in conveying or conducting any person or any property from one place to another place, or to act as servant to any person during a voyage or journey, or to guard any person or property during a voyage or journey, voluntarily omits so to do, except in the case of illness or ill-treatment, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both

Illustrations

(a) A, a pilanquin bearer being bound by legal contract to carry Z from one place to another, runs away in the middle of the stage. A has committed the offence, defined in this section.

(b) A, a coolie, being bound by lawful contract to carry Z's baggage from one place to another, throws the baggage away. A has committed the offence defined in this section.

(c) A, a proprietor of bullocks being bound by legal contract to convey goods on his bullocks from one place to another, illegally omits to do so. A has committed the offence defined in this section.

(d) A by unlawful means, compels B, a coolie, to carry his baggage. B in the course of the journey puts down the baggage and runs away. Here, as B was not lawfully bound to carry the baggage, he has not committed any offence.

Explanation.—It is not necessary to this offence that the contract should be made with the person for whom the service is to be performed. It is sufficient if the contract is legally made with any person either expressly or impliedly, by the person who is to perform the service.

Illustration.

A contracts with a dak company to drive his carriage for a month. B employs the dak company to convey him on a journey, and during the month the company supplies B with a carriage which is driven by A. A in the course of the journey voluntarily leaves the carriage. Here, although A did not contract with B, A is guilty of an offence under this section.

481. Whoever, being bound by a lawful contract to attend on or to supply the wants of any person who, by reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both

482. Whoever, being bound by lawful contract in writing to work for another person as an artificer, workman or labourer, for a period not more than three years, at any place within Jaipur territory to which by virtue of the contract he has been or is to be conveyed at the expense of such other, voluntarily

life of a former husband, if such husband, at the time of the subsequent marriage, shall have been continually absent from such woman for the space of seven years, and shall not have been heard of by such woman as being alive within that time, provided the woman contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted of the real state of facts so far as the same are within her knowledge.

485. Whoever commits the offence defined in the last preceding section having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

486. Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

487. Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the

offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor.

488 Whoever takes or entices away any woman intending or who is and whom he knows or has reason taking away or detaining with to believe to be the wife of any other criminal intent man, from that man or from any person married woman having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

CHAPTER XXI

OF DEFAMATION

489 Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any Defamation imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.

Explanation 1—It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and

is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2—It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such

Explanation 3—An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4.—No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Illustrations

(a) A says—"Z is an honest man, he never stole B's watch." intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it falls within one of the exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it falls within one of the exceptions.

(c) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it falls within one of the exceptions.

First Exception.—It is not defamation to impute

Imputation of anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Second Exception.—It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct and no further.

Third Exception.—It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.

Illustration

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

Fourth Exception.—It is not defamation to publish a substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings.

Explanation—An officer holding an inquiry in open Court preliminary to a trial in a Court of Justice, is a Court within the meaning of the above section.

Fifth Exception.—It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further

Illustrations

(a) A says "I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest," A is within this exception if he says this in good faith, inasmuch as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no further.

(b) But if A says—"I do not believe what Z asserted at that trial" because I know him to be a man without veracity A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's conduct as a witness.

Sixth Exception—It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further

Explanation—A performer may be submitted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

(c) An actor or singer who appears on a public stage submits his acting or singing to the judgment of the public.

(d) A says of a book published by Z—“Z’s book is foolish Z must be a weak man Z’s book is indecent; Z must be a man of impure mind” A is within this exception, if he says this in good faith, inasmuch as the opinion which he expresses of Z respects Z’s character only so far as it appears in Z’s book, and no further.

(e) But if A says—“I am not surprised that Z’s book is foolish and indecent, for he is a weak man and a libertine,” A is not within this exception, inasmuch as the opinion which he expresses of Z’s character is an opinion not founded on Z’s book.

Seventh Exception—It is not defamation in a person having over another any authority, either conferred by law or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates

Illustration.

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court, a head of a department censuring in good faith those who are under his orders; a parent censuring in good faith a child in the presence of other children, a schoolmaster, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service, a banker censuring in good faith the cashier of bank for the conduct of such cashier as such cashier—
are within this exception.

Eighth Exception—It is not defamation to prefer
Accusation pre in good faith an accusation against
ferred in good
faith to any person to any of those who have
with lawful authority over that person with
 respect to the subject-matter of accusation.

Illustration

If A in good faith accuses Z before a Magistrate, if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father—A is within this exception

Ninth Exception—It is not defamation to make an
imputation on the character of another,
Imputation made provided that the imputation be made
in good faith by in good faith for the protection of the
person for protec- interest of the person making it, or of
tion of his or other's interests
 any other person, or for the public good.

Illustrations

(a) A, a shop-keeper, says to B, who manages his business—"Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." A is

within the exception if he has made this imputation on Z in good faith for the protection of his own interests

(b) A a Magistrate in making a report to his superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception

Tenth Exception—It is not defamation to convey ^{caution intended a caution, in good faith, to one person for good of person to whom conveyed or for public good} caution against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good

490 Whoever defames another shall be punished ^{Punishment for} with simple imprisonment for a term ^{determination} which may extend to two years, or with fine, or with both

491 Whoever prints or engraves any matter, ^{Prints or engraves knowing or having good reason to believe that such matter is defamatory} knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both

492 Whoever sells or offers for sale any printed ^{sale of printed or engraved substance containing defamatory matter, knowing that it contains such matter} or engraved substance containing defamatory matter, knowing that it contains such matter shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both

CHAPTER XXII.

OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

493. Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation

Explanation—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section

Illustration

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house A is guilty of criminal intimidation

494. Whoever intentionally insults, and thereby gives provocation, to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

495. Whoever makes publishes or circulates any statement, rumour or report,—
 Statements conducive to public mischief

- (a) with intent to cause, or which is likely to cause, any officer, or soldier in the State army to mutiny or otherwise disregard or fail in his duty as such, or
- (b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or
- (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,

shall be punished with imprisonment which may extend to two years, or with fine, or both.

496 Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

and if the threat be to cause death or grievous hurt, if threat be to or to cause the destruction of any property by fire, or to cause an offence punishable with death or with imprisonment for a term which may extend to seven years, or upwards, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term of seven years, or with fine, or with both

497. Whoever commits the offence of criminal
 Criminal intimidation by an anonymous communication, or having taken precaution
 to conceal the name or abode of the
 person from whom the threat comes, shall be punished
 with imprisonment of either description for a term
 which may extend to two years, in addition to the
 punishment provided for the offence by the last preceding section

498. Whoever voluntarily causes or attempts to
 cause any person to do anything which
 that person is not legally bound to do, or
 to omit to do anything which he is
 legally entitled to do,
 Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure

by inducing or attempting to induce that person to
 believe that he or any person in whom he is interested
 will become or will be rendered by some act of the
 offender an object of Divine displeasure if he does not
 do the thing which it is the object of the offender to
 cause him to do, or if he does the thing which it is the
 object of the offender to cause him to omit,

shall be punished with imprisonment of either
 description for a term which may extend to one year, or
 with fine, or with both

Illustrations

(a) A sits *dhurna* at Z's door with the intention of
 causing it to be believed that, by so sitting, he renders

Z an object of Divine displeasure A has committed the offence defined in this section.

(b) A threatens Z that unless Z performs a certain act, A will kill one of A's own children under such circumstances that the killing would be believed to render Z an object of Divine displeasure A has committed the offence defined in this section

499 Whoever, in a state of intoxication, appears in public by a drunken person in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple imprisonment for a term which may extend to twenty four hours or with fine which may extend to ten rupees, or with both

CHAPTER XXIII.

OF ATTEMPTS TO COMMIT OFFENCES.

500 Whoever attempts to commit an offence punishable by this Code with imprisonment, or attempting to commit an offence punishable with imprisonment to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code, for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term of imprisonment which may extend to one half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both

Illustrations.

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box, that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this section.

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket. A is guilty under this section.

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- 288. Murder.
When culpable homicide is not murder.
- 289. Culpable homicide by causing death of person other than person whose death was intended
- 290. Punishment for murder.
- 291. Punishment for murder by life convict
- 292. Punishment for culpable homicide not amounting to murder
- 293. Causing death by negligence.
- 294. Abetment of suicide of child or insane person.
- 295. Abetment of suicide.
- 296. Attempt to murder.
Attempts by life convicts.
- 297. Attempt to commit culpable homicide

SECTIONS

298 Attempt to commit suicide

299 Thug.

300. Punishment

Of the causing of Miscarriage of injuries to unborn Children, of the Exposure of Infants, and of the Concealment of Births.

301 Causing miscarriage

302 Causing miscarriage without woman's consent

303 Death caused by acts done with intent to cause miscarriage

If act done without woman's consent.

304 Act done with intent to prevent child being born alive or to cause it to die after birth

305 Causing death of quick unborn child by act amounting to culpable homicide

306 Exposure and abandonment of child under twelve years, by parent or person having care of it.

307 Concealment of birth by secret disposal of dead body

Of Hurt

308 Hurt

309. Grievous hurt

310 Voluntarily causing hurt

311. Voluntarily causing grievous hurt

312. Punishment for voluntarily causing hurt.

313 Voluntarily causing hurt by dangerous weapons or means

314 Punishment for voluntarily causing grievous hurt

315 Voluntarily causing grievous hurt by dangerous weapons or means

316 Voluntarily causing hurt to extort property, or to constrain to an illegal act.

317. Causing hurt by means of poison, etc., with intent to commit an offence

SECTIONS.

- 318. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
- 319. Voluntarily causing hurt to extort confession, or to compel restoration of property.
- 320. Voluntarily causing grievous hurt to extort confession, or to compel restoration of property.
- 321. Voluntarily causing hurt to deter public servant from his duty.
- 322. Voluntarily causing grievous hurt to deter public servant from his duty.
- 323. Voluntarily causing hurt on provocation.
- 324. Voluntarily causing grievous hurt on provocation.
- 325. Act endangering life or personal safety of others
- 326. Causing hurt by act endangering life or personal safety of others.
- 327. Causing grievous hurt by act endangering life or personal safety of others.

Of Wrongful Restraint and Wrongful Confinement.

- 328. Wrongful restraint
- 329. Wrongful confinement
- 330. Punishment for wrongful restraint
- 331. Punishment for wrongful confinement.
- 332. Wrongful confinement for three or more days
- 333. Wrongful confinement for ten or more days
- 334. Wrongful confinement of person for whose liberation writ has been issued.
- 335. Wrongful confinement in secret
- 336. Wrongful confinement to extort property or constrain to illegal act.
- 337. Wrongful confinement to extort confession, or compel restoration of property.

Of Criminal Force and Assault.

- 338. Force
- 339. Criminal force.
- 340. Assault.

SECTIONS

- 311 Punishment for assault or criminal force otherwise than on grave provocation
- 342 Assault for criminal force to deter public servant from discharge of his duty
- 343 Assault or criminal force to woman with intent to outrage her modesty.
- 344 Assault or criminal force with intent to dishonour person, otherwise than on grave provocation
- 345 Assault or criminal force in attempt to commit theft of property carried by a person
- 346 Assault or criminal force in attempt wrongfully to confine a person
- 347 Assault or criminal force on grave provocation.
- Of kidnapping, Abduction, Slavery and
Forced Labour.*
- 348 Kidnapping.
- 349 Kidnapping from Japur territory
- 350 Kidnapping from lawful guardianship
- 351 Abduction
- 352 Punishment for kidnapping
- 353 Kidnapping or abducting in order to murder.
- 354 Kidnapping or abducting with intent secretly and wrongfully to confine person
- 355 Kidnapping or abducting woman to compel her marriage, etc
- 355A. Procreation of minor girl
- 355B. Importation of girl from foreign country
- 356 Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc
- 357 Wrongfully concealing or keeping in confinement kidnapped or abducted person
- 358 Kidnapping or abducting child under ten years with intent to steal from its person
359. Buying or disposing of any person as a slave
- 360 Habitual dealing in slaves

SECTIONS

- 361 Selling minor for purposes of prostitution, etc
- 362. Buying minor for purposes of prostitution, etc.
- 363 Unlawful compulsory labour.

Of Rape.

- 364 Rape
- 365 Punishment for rape.

Of Unnatural Offences.

- 366 Unnatural offences

CHAPTER XVII.

OF OFFENCES AGAINST PROPERTY.

Of Theft

- 367. Theft.
- 368 Punishment for theft
- 369 Theft in dwelling house, etc
- 370 Theft by clerk or servant of property in possession of master.
- 371 Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft

Of Extortion

- 372. Extortion.
- 373. Punishment for extortion.
- 374. Putting person in fear of injury in order to commit extortion
- 375 Extortion by putting a person in fear of death or grievous hurt
- 376. Putting person in fear of death or of grievous hurt, in order to commit extortion
- 377 Extortion by threat of accusation of an offence punishable with death or imprisonment
- 378 Putting person in fear of accusation of offence in order to commit extortion.

SECTIONS.

Of Robbery and Dacoity

- 379. Robbery
 - When theft is robbery.
 - When extortion is robbery
- 380 Dacoity
- 381 Punishment for robbery
- 382 Attempt to commit robbery.
- 383 Voluntarily causing hurt in committing robbery.
- 384 Punishment for dacoity
- 385 Dacoity with murder
- 386 Robbery or dacoity, with attempt to cause death or grievous hurt
- 387. Attempt to commit robbery or dacoity when armed with deadly weapon.
- 388 Making preparation to commit dacoity
- 389. Punishment for belonging to gang of dacoits
- 390 Punishment for belonging to gang of thieves
- 391 Assembling for purpose of committing dacoity.

Of Criminal Misappropriation of Property

- 392 Dishonest misappropriation of property
- 393 Dishonest misappropriation of property possessed by deceased person at the time of his death

Of Criminal breach of Trust

- 394 Criminal breach of trust.
- 395 Punishment for criminal breach of trust.
- 396 Criminal breach of trust by carrier, etc.
- 397 Criminal breach of trust by clerk or servant
- 398 Criminal breach of trust by public servant, or by banker, merchant or agent.

Of the receiving of Stolen Property.

- 399 Stolen property.
- 400. Dishonestly receiving stolen property.

SECTIONS.

- 401. Dishonestly receiving property stolen in the commission of a dacoity.
- 402. Habitually dealing in stolen property.
- 403. Assisting in concealment of stolen property.

Of Cheating.

- 404. Cheating.
- 405. Cheating by personation.
- 406. Punishment for cheating.
- 407. Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect.
- 408. Punishment for cheating by personation.
- 409. Cheating and dishonestly inducing delivery of property.

Of fraudulent Deeds and Disposition of Property.

- 410. Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.
- 411. Dishonestly or fraudulently preventing debt being available for creditors.
- 412. Dishonest or fraudulent execution of deed of transfer containing false statement of consideration.
- 413. Dishonest or fraudulent removal or concealment of property.

Of Mischief.

- 414. Mischief.
- 415. Punishment for mischief.
- 416. Mischief causing damage to the amount of fifty rupees.
- 417. Mischief by killing or maiming animal of the value of ten rupees.
- 418. Mischief by killing or maiming cattle, etc., of

SECTIONS

- any value or any animal of the value of fifty rupees.
- 419 Mischief by injury to works of irrigation or by wrongfully diverting water
- 420 Mischief by injury to public road, bridge, river or channel
- 421 Mischief by causing inundation or obstruction to public drainage attended with damage.
- 422 Mischief by destroying or moving, etc., a landmark fixed by public authority
- 423 Mischief by fire or explosive substance with intent to cause damage to amount of one hundred or (in case of agricultural produce) ten rupees.
- 424 Mischief by fire or explosive substance with intent to destroy house, etc
- 425 Mischief committed after preparation made for causing death or hurt.

Of Criminal Trespass.

- 426 Criminal trespass
- 427 House-trespass
- 428 Larking house-trespass
- 429 Larking house-trespass by night.
- 430 House-breaking
431. House breaking by night
- 432 Punishment for criminal trespass
- 433 Punishment for house-trespass
- 434 House-trespass in order to commit offence punishable with death.
- 435 House trespass in order to commit offence punishable with imprisonment for life.
- 436 House-trespass in order to commit offence punishable with imprisonment

SECTIONS.

- 437 House-trespass after preparation for hurt, assault or wrongful restraint
- 438 Punishment for lurking house-trespass or house-breaking.
- 439 Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment.
- 440 Lurking house-trespass or house-breaking after preparation for hurt, assault or wrongful restraint.
- 441 Punishment for lurking house-trespass or house-breaking by night.
- 442 Lurking house trespass or house-breaking by night in order to commit offence punishable with imprisonment.
- 443 Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint
- 444 Grievous hurt caused whilst committing lurking house-trespass or house breaking.
- 445 All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them
- 446 Dishonestly breaking open receptacle containing property.
- 447 Punishment for same offence when committed by person entrusted with custody.

CHAPTER XVIII.

OF OFFENCES RELATING TO DOCUMENTS AND TO
TRADE OR PROPERTY MARKS.

- 448 Forgery.
- 449. Making a false document

SECTIONS

- 450 Punishment for forgery.
- 451 Forgery of record of Court or of public register,
etc
- 452 Forgery of valuable security, will, etc.
- 453 Forgery for purpose of cheating.
- 454 Forgery for purpose of harming reputation
- 455 Forged document
- 456 Using as genuine a forged document
- 457 Making or possessing counterfeit seal, etc, with
intent to commit forgery punishable under
section 452
- 458 Making or possessing counterfeit seal, etc, with
intent to commit forgery punishable other-
wise
- 459 Having possession of document described in
section 451 or 452, knowing it to be forged
and intending to use it as genuine.
- 460 Counterfeiting device or mark used for authenti-
cating documents described in section 452, or
possessing counterfeit marked material
- 461 Counterfeiting device or mark used for authen-
ticating documents other than those described
in section 452, or possessing counterfeit
marked material
- 462 Fraudulent cancellation, destruction, etc, of will,
authority to adopt, or valuable security
- 463 Falsification of accounts

Of Trade, Property and other Marks

- 464 Trade mark.
- 465 Property mark
- 466 Using a false trade mark
- 467 Using a false property mark
- 468 Punishment for using a false trade mark or
property mark.
- 469 Counterfeiting a trade mark or property mark
used by another.

SECTIONS.

- 470. Counterfeiting a mark used by a public servant
- 471. Making or possession of any instrument for counterfeiting a trade mark or property mark.
- 472. Selling goods marked with a counterfeit trade mark or property mark.
- 473. Making a false mark upon any receptacle containing goods
- 474. Punishment for making use of any such false mark
- 475. Tampering with property mark with intent to cause injury.

Of Currency Notes and Bank-Notes.

- 476. Counterfeiting currency notes or bank-notes
- 477. Using as genuine, forged or counterfeit currency notes or bank-notes
- 478. Possession of forged or counterfeit currency notes or bank notes.
- 479. Making or possessing instruments or materials for forging or counterfeiting currency-notes or bank-notes



CHAPTER XIX.

OF THE CRIMINAL BREACH OF CONTRACT OF
SERVICE

- 480. Breach of contract of service during voyage or journey.
- 481. Breach of contract to attend on and supply wants of helpless person.
- 482. Breach of contract to serve at distant place to which servant is conveyed at master's expense.

SECTIONS

CHAPTER XX

OF OFFENCES RELATING TO MARRIAGE

- 481 Cohabitation caused by a man deceitfully inducing a belief of lawful marriage
- 484 Marrying again during life time of husband.
- 485 Same offence with concealment of former marriage from person with whom subsequent marriage is contracted
- 486 Marriage ceremony fraudulently gone through without lawful marriage
- 487 Adultery
- 488 Enticing or taking away or detaining with criminal intent a married woman

CHAPTER XXI

OF DEFAMATION

489 Defamation.

Imputation of truth which public good requires to be made or published.

Public conduct of public servants

Conduct of any person touching any public question

Publication of reports of proceedings of Courts

Merits of case decided in Court, or conduct of witnesses and others concerned

Merits of public performance.

Censure passed in good faith by person having lawful authority over another

SECTIONS.

- Accusation preferred in good faith to authorized person.
- Imputation made in good faith by person for protection of his or other interests.
- Caution intended for good of person to whom conveyed or for public good.
490. Punishment for defamation
491. Printing or engraving matter known to be defamatory
492. Sale of printed or engraved substance containing defamatory matter
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CHAPTER XXII

OF CRIMINAL INTIMIDATION, INSULT AND
ANNOYANCE.

493. Criminal intimidation.
494. Intentional insult with intent to provoke breach of the peace
495. Statements conducing to public mischief.
496. Punishment for criminal intimidation
If threat be to cause death or grievous hurt etc
497. Criminal intimidation by an anonymous communication.
498. Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure.
499. Misconduct in public by a drunken person.
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SECTIONS

CHAPTER XXIII

OF ATTEMPTS TO COMMIT OFFENCES

- 500 Punishment for attempting to commit offences punishable with imprisonment.
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Comparative Table

Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code	Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code	Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code.
	Chapter I.				
1	Section 1	25	Section 32	49	Section 57
2	" 2	26	" 33	50	" 60
3	" 4	27	" 34	51	" 63
	Chapter II.				
4	Section 6	28	" 35	52	" 64
5	" 7	29	" 36	53	" 65
6	" 8	30	" 37	54	" 66
7	" 9	31	" 38	55	" 67
8	" 10	32	" 39	56	" 68
9	" 11	33	" 40	57	" 69
10	" 12	34	" 41	58	" 70
11	" new	35	" 42	59	" 71
12	" 19	36	" 43	60	" 72
13	" 20	37	" 44	61	" 73
14	" 21	38	" 45	62	" 74
15	" 22	39	" 46	63	" 75
					Chapter IV.
16	" 23	40	" 47	64	Section 76
17	" 24	41	" 48	65	" 77
18	" 25	42	" 49	66	" 78
19	" 26	43	" 50	67	" 79
20	" 27	44	" 51	68	" 80
21	" 28	45	" 52	69	" 81
			Chapter III.		
22	" 29	46	Section 53	70	" 82
23	" 30	47	" 54	71	" 83
24	" 31	48	" 55	72	" 84

Comparative Table.

Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code	Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code	Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code
73	Section 85	96	Section 108	119	Section 128
74	86	97	108A	120	129
75	87	98	" 109	121	130
76	88	99	110	122	Chapter VII
77	89	100	111	123	Section 141
78	90	101	112	124	" 142
79	91	102	113	125	" 143
80	92	103	114	126	" 144
81	93	104	115	127	" 145
82	94	105	116	128	" 146
83	95	106	117	129	" 147
84	96	107	118	130	Chapter VIII
85	97	108	119	131	Section 141
86	98	109	120	132	" 142
87	99	110	Chapter VA		" 143
88	100	111	Section 120A	133	144
89	101	112	" 120B	134	" 145
90	102	113	Chapter VI		
91	103	114	Section 121	135	" 146
92	104	115	" 121A	136	" 147
93	105	116	122	137	" 148
94	106	117	123	138	" 149
			124	139	" 150
			124A	140	" 151
Chapter V			"		
95	Section 107	118	" new	141	" 152

Comparative Table.

Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code	Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code	Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code
142	Section 153	167	Section 178	192	Section 203
143	" 153A	168	" 179	193	" 204
144	" 154	169	" 180	194	" 205
145	" 155	170	" 181	195	" 206
146	" 156	171	" 182	196	" 207
147	" 157	172	" 183	197	" 208
148	" 158	173	" 184	198	" 209
149	" 159	174	" 185	199	" 210
150	" 160	175	" 186	200	" 211
	Chapter IX				
151	Section 161	176	" 187	201	" 212
152	" 162	177	" 188	202	" 213
153	" 163	178	" 189	203	" 214
154	" 164	179	" 190	204	" 215
			Chapter XI.		
155	" 165	180	Section 191	205	" 216
156	" 166	181	" 192	206	" 216A
157	" 167	182	" 193	207	" 216B
158	" 169	183	" 194	208	" 217
159	" 170	184	" 195	209	" 218
160	" 171	185	" 196	210	" 219
	Chapter X.				
161	Section 172	186	" 197	211	" 220
162	" 173	187	" 198	212	" 221
163	" 174	188	" 199	213	" 222
164	" 175	189	" 200	214	" 223
165	" 176	190	" 201	215	" 224
166	" 177	191	" 202	216	" 225

Comparative Table

Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code	Section of the Indian Penal Code	Corresponding provision of the Indian Penal Code	Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code
217	Section 225A	241	Section 261	265	Section 285
218	" 225B	242	" 262	266	" 286
219	" 227	243	" 263	267	" 287
220	" 228	244	" 263A	268	" 288
	Chapter XII		Chapter XIII		
221	Section 230	245	Section 264	269	" 289
222	" 231	246	" 265	270	" 290
223	" 233	247	" 266	271	" 291
224	" 235	248	" 267	272	" 292
			Chapter XIV		
225	" 236	249	Section 268	273	" 293
226	" 237	250	" 269	274	" 294
227	" 239	251	" 270	275	" 294A
228	" 241	252	" 271	276	new
229	" 242	253	" 272	277	new
					Chapter XV
230	" 246	254	" 273	278	Section 295
231	" 248	255	" 274	279	" 296
232	" 250	256	" 275	280	" 297
233	" 252	257	" 276	281	" 298
234	" 254	258	" 277	282	new
235	" 255	259	" 278	283	new
236	" 256	260	" 279	284	new
237	" 257	261	" 280	285	new
238	" 258	262	" 282	286	repealed
					Chapter XVI
239	" 259	263	" 283	287	Section 299
240	" 260	264	" 284	288	" 300

Comparative Table.

Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code	Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code	Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code
289	Section 301	316	Section 327	343	Section 354
290	" 302	317	" 328	344	" 355
291	" 303	318	" 329	345	" 356
292	" 304	319	" 330	346	" 357
293	" 304A	320	" 331	347	" 358
294	" 305	321	" 332	348	" 359
295	" 306	322	" 333	349	" 360
296	" 307	323	" 334	350	" 361
297	" 308	324	" 335	351	" 362
298	" 309	325	" 336	352	" 363
299	" 310	326	" 337	353	" 364
300	" 311	327	" 338	354	" 365
301	" 312	328	" 339	355	" 366
302	" 313	329	" 340	355A	" 366A
303	" 314	330	" 341	355B	" 366B
304	" 315	331	" 342	356	" 367
305	" 316	332	" 343	357	" 368
306	" 317	333	" 344	358	" 369
307	" 318	334	" 345	359	" 370
308	" 319	335	" 346	360	" 371
309	" 320	336	" 347	361	" 372
310	" 321	337	" 348	362	" 373
311	" 322	338	" 349	363	" 374
312	" 323	339	" 350	364	" 375
313	" 324	340	" 351	365	" 376
314	" 32	341	" 352	366	" 377
315	" 326	342	" 353	367	Chapter XVII " 378

Comparative Table.

Section of the Jaipur Penal Code.	Corresponding provision of the Indian Penal Code	Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code	Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code
368	Section 379	395	Section 406	422	Section 434
369	" 380	396	" 407	423	" 435
370	" 381	397	" 408	424	" 436
371	" 382	398	" 409	425	" 440
372	" 383	399	" 410	426	" 441
373	" 384	400	" 411	427	" 442
374	" 385	401	" 412	428	" 443
375	" 386	402	" 413	429	" 444
376	" 387	403	" 414	430	" 445
377	" 388	404	" 415	431	" 446
378	" 389	405	" 416	432	" 447
379	" 390	406	" 417	433	" 448
380	" 391	407	" 418	434	" 449
381	" 392	408	" 419	435	" 450
382	" 393	409	" 420	436	" 451
383	" 394	410	" 421	437	" 452
384	" 395	411	" 422	438	" 453
385	" 396	412	" 423	439	" 454
386	" 397	413	" 424	440	" 455
387	" 398	414	" 425	441	" 456
388	" 399	415	" 426	442	" 457
389	" 400	416	" 427	443	" 458
390	" 401	417	" 428	444	" 459
391	" 402	418	" 429	445	" 460
392	" 403	419	" 430	446	" 461
393	" 404	420	" 431	447	" 462
394	" 405	421	" 432	448	Chap XVIII Section 463

Comparative Table.

Section of the Jaipur Penal Code.	Corresponding provision of the Indian Penal Code.	Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code	Section of the Jaipur Penal Code	Corresponding provision of the Indian Penal Code
449	Section 464	467	Section 481	485	Section 495
450	" 465	468	" 482	486	" 496
451	" 466	469	" 483	487	" 497
452	" 467	470	" 484	488	" 498
					Chapter XXI
453	" 468	471	" 485	489	Section 499
454	" 469	472	" 486	490	" 500
455	" 470	473	" 487	491	" 502
456	" 471	474	" 488	494	" 501
					Chapter XXII
457	" 472	475	" 489	493	Section 503
458	" 473	476	" 489A		
459	" 474	477	" 489B	494	" 504
460	" 475	478	" 489C	495	" 505
461	" 476	479	" 489D		
			Chapter XIX		
462	" 477	480	Section 490	496	" 506
463	" 477A	481	" 491	497	" 507
464	" 478	482	" 492	498	" 508
			Chapter XX		
465	" 479	483	Section 493	499	" 510
					Chapter XXIII
466	" 480	484	" 494	500	Section 511